

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

**Voluntary Chapter 13 Case of Individual Debtor – Requirements**

- \_\_\_\_\_ **Filing Fee: \$281.00** [this includes a \$46 administrative fee].
- File Official Form 3A if individual debtor seeks to pay by installments.
  - Fees can be paid by money order or certified check (**no** personal checks). In Manhattan and Poughkeepsie (but **not** in White Plains), fees can also be paid with cash in the exact amount (the clerk’s office is unable to make change).
- \_\_\_\_\_ **Voluntary Petition** (Official Form 1).
- Before filing, check the last four digits of the debtor’s social security number (appearing on the petition) to ensure accuracy.
- \_\_\_\_\_ **List of Creditors** [include name and complete address for each listing].
- Debtor must file list of creditors with the petition and such list must include those listed (or to be listed) on Schedule G (Executory Contract and Unexpired Leases) and Schedule H (Codebtors).
- \_\_\_\_\_ **Statement of Social Security Number** (Official Form 21).
- Required for *all* individual debtors.
  - Before filing, check the accuracy of the social security number appearing on the form.
  - File paper original with the petition when filing conventionally, but do **not** include on the diskette with the other documents (since this form should **not** appear on the electronic docket).
- \_\_\_\_\_ **Notice to Consumer Debtor(s) under § 342(b) of the Bankruptcy Code** (Form B 201A) and **Certification of Notice to Consumer Debtor(s) under § 342(b) of the Bankruptcy Code** (Form B 201B). If the debtor is an individual with primarily consumer debts, the debtor must have received and read the notice (Form B 201A) BEFORE the petition is filed. Certification using Form B 201B must be made, as follows:
- **Certification of the Debtor** (bottom portion of Form B 201B) must be filed with the petition (where the debtor did not retain the services of an attorney or bankruptcy petition preparer).
  - **Certification of [Non-Attorney] Bankruptcy Petition Preparer** (upper portion of Form B 201B) must be filed with the petition (where the debtor retained the services of a bankruptcy petition preparer).
- Only an attorney may sign Exhibit B (located toward the top of the second page of the Voluntary Petition) to make this certification.
- \_\_\_\_\_ **Certificate of Credit Counseling and Debt Repayment Plan.**
- *All* individual debtors are required to undergo credit counseling from an agency approved by the US Trustee for this federal judicial district [Southern District of New York] **within 180 days prior to filing the petition**; to view the list of approved agencies for this district, a link to the US Trustee’s website can be accessed from the court’s website, [www.nysb.uscourts.gov](http://www.nysb.uscourts.gov).
  - When filing the certificate furnished by the credit counseling agency, the debtor must also file a copy of any debt repayment plan created as part of credit counseling.
- \_\_\_\_\_ **Exhibit D.**
- **At the time of case filing**, the debtor must file (with the voluntary petition) a signed, completed **Exhibit D**, “*Individual Debtor’s Statement of Compliance with Credit Counseling Requirement*”; in a joint case, each debtor must file a **separate Exhibit D**.
  - Depending on how the debtor completes **Exhibit D**, the credit counseling certificate is due either at the time of case filing **OR** 14 days from the date of case filing (*see* Exhibit D).
  - As indicated on **Exhibit D**, the debtor must make a **separate written request** when asking the court for the following form of relief: Request for Court Determination of Waiver Due to Incapacity, Disability or Active Military Duty in a Combat Zone [Section 109(h)(4)].
- \_\_\_\_\_ **Chapter 13 Statement of Current Monthly Income and Calculation of Commitment Period and Disposable Income** (Official Form 22C).
- Required for all chapter 13 debtors.
  - Must be filed with the petition or within 14 days from the date of filing.

\_\_\_\_\_ **Schedules** (Official Form 6).

- Individual debtors must file **all** parts: *Summary of Schedules, Statistical Summary of Certain Liabilities and Related Data* (28 U.S.C. § 159) and Schedules A through J, including the *schedules of assets and liabilities, the schedule of executory contracts and unexpired leases, and the schedules of current income and expenditures.*
- Must be filed with the petition or within 14 days from the date of filing.

\_\_\_\_\_ **Statement of Financial Affairs** (Official Form 7).

- Must be filed with the petition or within 14 days from the date of filing.

\_\_\_\_\_ **Record of any Interest in an Education IRA.**

- In addition to completing line 11 of Schedule B, the debtor must separately file a record of any interest in an education individual retirement account (Education IRA).
- Must be filed with the petition or within 14 days from the date of filing.
- The debtor should redact his or her social security number prior to filing (delete or block first five digits).

\_\_\_\_\_ **Model Chapter 13 Plan.**

- Must be filed with the petition or within 14 days from the date of filing. All chapter 13 debtors must use the Model Chapter 13 Plan adopted by General Order in this judicial district.

\_\_\_\_\_ **Declaration and Signature of Non-Attorney Bankruptcy Petition Preparer** (Official Form 19) [if the debtor retained the services of a bankruptcy petition preparer].

- Official Form 19 must be filed with any petition prepared by a bankruptcy petition preparer.

\_\_\_\_\_ **Statement Disclosing Compensation Paid or To Be Paid to a Bankruptcy Petition Preparer** (Director’s Procedural Form B 280).

- Must be filed with any petition prepared by a bankruptcy petition preparer.

\_\_\_\_\_ **Statement Disclosing Compensation Paid or To Be Paid to the Attorney for the Debtor** (Director’s Procedural Form B 203).

- Must be filed within 14 days or any other date set by the court.

\_\_\_\_\_ **After Filing: Debtor Must Complete Course in Personal Financial Management.**

- All individual debtors in cases under chapters 7 and 13 are required to complete this course from a course provider approved by the US Trustee for this federal judicial district [Southern District of New York]; to view the list of approved course providers for this district, a link to the US Trustee’s website can be accessed from the court’s website, [www.nysb.uscourts.gov](http://www.nysb.uscourts.gov).
- After completing the course, the debtor must file **Official Form 23** (“Debtor’s Certification of Completion of Postpetition Instructional Course Concerning Personal Financial Management”) **no later than** the last payment made by the debtor as required by the plan *or* the filing of a motion for entry of a “hardship” discharge under § 1328(b). In a joint case, each debtor must file a **separate** Official Form 23.

\_\_\_\_\_ **Where, Prior to Filing, Landlord Obtained Judgment for Eviction from Residential Lease.**

- Debtor must complete bottom portion of the second page of the Voluntary Petition (Official Form 1).
- Debtor should obtain separate instructions from the clerk’s office.

**NOTE: Payment Advices or Other Evidence of Payment** – Pursuant to General Order M-382, individual debtors in chapter 13 cases must provide the chapter 13 case trustee – no later than the time of the meeting of creditors conducted pursuant to 11 U.S.C. § 341(a) – copies of payment advices or other evidence of payment received by the debtor from any employer *within 60 days before* the date of the filing of the petition. Do not file payment advices with the Court.

