

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

Voluntary Chapter 13 Case of *Individual Debtor* – Requirements

Filing Fee: \$313.00 [this includes a \$78.00 administrative fee].

- File Official Form 103A if individual debtor seeks to pay by installments.
- Fees can be paid by money order or certified check (**no** personal checks). In Manhattan, fees can also be paid with cash in the exact amount (the clerk’s office is unable to make change). The White Plains and Poughkeepsie offices do **not** accept cash.

Voluntary Petition for Individuals Filing for Bankruptcy (Official Form 101).

- Debtor(s) must complete **Part 5**, “*Explain Your Efforts To Receive a Briefing About Credit Counseling.*”
- Depending on how the debtor completes **Part 5**, the credit counseling certificate is due either at the time of case filing *OR* 14 days from the date of case filing.
- As indicated on **Part 5**, the debtor(s) must make a **separate written request** when asking the court for a 30-day temporary waiver of the requirement or if the debtor is requesting for court determination of waiver due to incapacity, disability, or active military duty in a military combat zone.

List of Creditors [include name and complete address for each listing].

- Pursuant to Fed. Rule Bankr. P. 1007(a)(1), debtor must file list of creditors with the petition and such list must include those listed (or to be listed) on Schedules D, E/F, G and H.

Statement About Your Social Security Numbers (Official Form 121).

- 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 only when filing conventionally.

Notice Required by 11 U.S.C. § 342(b) For Individuals Filing For Bankruptcy (Form B 2010).

- If the debtor is an individual with primarily consumer debts, the debtor must have received and read the notice (Form B 2010) BEFORE the petition is filed.
- **Certification of the Debtor** (page 8 of the *Voluntary Petition for Individuals Filing For Bankruptcy* [Official Form 101]) must be signed.

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.
- 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.
- If the debtor has not already received credit counseling and believes the debtor is entitled to a temporary waiver from receiving it or that the debtor is not required to receive it, see line 15 of the *Voluntary Petition for Individuals Filing for Bankruptcy* (Official Form 101).

Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period (Official Form 122C-1).

- Required for all chapter 13 debtors.
- Must be filed with the petition or within 14 days from the date of filing.
- If current monthly income exceeds the applicable median, Official Form 122C-2 must be filed.

Schedules of Assets and Liabilities (Official Forms 106).

- Individual debtors must file **all** parts: *Summary of Your Assets and Liabilities and Certain Statistical Information* (Official Form 106Sum), *Declaration About an Individual Debtor’s Schedules* (Official Form 106Dec), *Schedule A/B: Property* (Official Form 106A/B), *Schedule C: The Property You Claim as Exempt* (Official Form 106C), *Schedule D: Creditors Who Have Claims Secured by Your Property* (Official Form 106D), *Schedule E/F: Creditors Who Have Unsecured Claims* (Official Form 106E/F), *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 106G), *Schedule H: Your Codebtors* (Official Form 106H), *Schedule I: Your Income* (Official Form 106I), and

Schedule J: Your Expenses (Official Form 106J). In joint debtor cases, if debtor 2 lives in a separate household, *Schedule J-2: Expenses for Separate Household of Debtor 2* [Official Form 106J-2] is required.

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

_____ **Statement of Financial Affairs for Individuals Filing for Bankruptcy** (Official Form 107).

– 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 24 of Schedule A/B: Property, 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 the Court, pursuant to Local Rule 3015-1.

_____ **Bankruptcy Petition Preparer’s Notice, Declaration, and Signature** (Official Form 119).

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

_____ **Disclosure of Compensation of Bankruptcy Petition Preparer** (Director’s Procedural Form B 2800).

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

_____ **Attorney’s Disclosure of Compensation** (Director’s Procedural Form B 2030).

– 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.

– After completing the course, the debtor must file **Official Form 423** (“Certification About a Financial Management Course”) **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 11 U.S.C. § 1328(b), unless the course provider has notified the court that the debtor has completed the course. In a joint case, each debtor must file a *separate* Official Form 423.

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

– Debtor must complete section 11 of the *Voluntary Petition for Individuals Filing for Bankruptcy* (Official Form 101), *Initial Statement About an Eviction Judgment Against You* (Official Form 101A) and *Statement About Payment of an Eviction Judgment Against You* (Official Form 101B).

– Debtor should obtain separate instructions from the clerk’s office.

NOTE: Payment Advices or Other Evidence of Payment Required by Section 521(a)(1)(B)(iv) – Pursuant to Local Rule 4002-1, 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.