

EXTERNAL INSTRUCTIONS RE:
NEW FILING REQUIREMENTS
11 U.S.C. §521

1. **New Debtor Filing Requirement:**

There are several new filing requirements for debtors under the 2005 Bankruptcy Act (in addition to the Credit Counseling Certificate and Means Test documents, which are covered separately):

1. Certificate of attorney that notice required by §342(b) was given
2. Copies of payment advices for 60 days before filing
3. Statement of amount of monthly net income - itemized
4. Statement of reasonably anticipated increase in income or expenses over 12 months following the filing.
5. A record of any interest that the debtor has in an education individual retirement account.
6. If a Petition Preparer assisted the debtor with the filing, a new form Notice must be filed by the Petition Preparer (Official Form 19B)

Most of these new requirements have been addressed through amendments to the existing schedules.

2. **New and Amended Forms to Implement Requirement:**

Voluntary Petition Form 1 has been amended to include #1 above – the certification by debtor’s attorney (Exhibit B on page 2)

Schedule I has been amended to include # 3 and 4 above – a line item to “describe any increase [or decrease] in income anticipated to occur within the year following the filing of this document.”

Schedule J has been amended to include #4 above – a section itemizing statement of monthly net income and a line item to “describe any increase or decrease in expenditures anticipated to occur within the year following the filing of this document.”

Official Form 19B - Notice to Debtor by Non-Attorney Bankruptcy Petition Preparer.

3. **Amended Federal Rules to Implement Requirement:**

FRBP 1007(b)(1)(E) - copies of all payment advices or other evidence of payment, if any, with all but the last four digits of the debtor’s social security number redacted, received by the debtor from an employer within 60 days before the filing of the petition; and

FRBP 1007(b)(1)(F) - a record of any interest that the debtor has in an account or

program of the type specified in §521(c) of the Code.

4. **Amended Local Rule to Implement Requirement:**

LBR 1007-1 - amended to include payment advices due within 15 days of the filing and Petition Preparer Notice (Form 19B).

5. **Amended Clerk's Office Forms to Implement Requirement:**

Notice of Missing Documents and Notice of Dismissal if Documents are Not Timely Filed – Chapter 7, 11 and 13 Cases

6. **New Events:**

Notice to Debtor by Non-Attorney Bankruptcy Petition Preparer (Official Form 19B)
Payment Advices (Pay stubs, etc.)

7. **New Case Filing Procedure**

(1) Debtor's Attorney should obtain a copy of Debtor's Payment Advices for the 60 days prior to filing date. These documents should be filed with the Court using the event "Payment Advices". These should not be included as part of the Voluntary Petition. **All personal identifiers shall be redacted from pay advices, including social security numbers (except the last 4 digits).**

(2) In addition, all new information areas on Voluntary Petition Form and related schedules (I and J) shall be fully completed.

(3). If the debtor used a petition preparer, Form 19B must be completed and filed with the petition as well.

(4) Failure to file the Payment Advices after the Petition has been filed will result in the issuance of the 15 day Notice of Missing Documents and Notice of Dismissal if Documents are Not Timely Filed.

8. **Procedure for Filings Made Electronically**

(1) Debtor's attorney should obtain copies of the debtor's payment advices for the 60 day period before filing, redact any personal identifiers including social security number to the last 4 digits, scan into computer and convert to a pdf file.

(2) The payment advices document in pdf format must then be filed using the event "Payment Advices". This should be done immediately after the case is filed so that a deficiency notice will not issue the following day.

9. **Debtor's Duties: Time Requirements Under Rule 1007(c)**

VOLUNTARY CASES:

File With the Petition: The documents pertaining to the new credit counseling requirement under FRBP 1007(b)(3) must be filed with the petition or within 2 business days.

File Either With the Petition or Within 15 Days: The following documents must be filed *within 15 days of filing* (if not filed with the petition):

Documents required under FRBP 1007(b)(1), *i.e.*, all schedules, the statement of financial affairs, payment advices (pay stubs), and any record of an interest in an education individual retirement accounts. [In an **involuntary case**, these documents must be filed within 15 days of the entry of the order for relief, along with the list required under FRBP 1007(a)(2).]

Documents required under FRBP 1007(b)(4), (5) or (6), *i.e.*, the statement of current monthly income (where required to be filed in ch. 7, 11 and 13 cases) and any required calculations for means testing (ch. 7) or disposable income (ch. 13). *See* Official Form 22A for ch. 7; Official Form 22B for ch. 11; and Official Form 22C for ch. 13.

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