

## EXTERNAL INSTRUCTIONS

### CHAPTER 7 APPLICATION TO PROCEED IN FORMA PAUPERIS 28 U.S.C. § 1930(f)

#### **NEW FILING FEE PROCEDURE FOR CASES FILED AFTER 10/17/05**

In a *voluntary individual Chapter 7*, the debtor may, in lieu of paying the filing fee or filing an installment application, file an Application to Waive the Filing Fee (proceed in forma pauperis) using a form that substantially complies with Official Form B3B.

#### **AMENDED FEDERAL CODE, FEDERAL RULE AND LOCAL RULE**

28 U.S.C. § 1930(f)(1-3), Federal Bankruptcy Rule 1006, and R.I. Local Rule 1006-1.

#### **OFFICIAL FORMS AND LOCAL FORMS**

**Official Form 1** - (first page of the petition) has been amended to include a check box for the debtor to indicate that a fee waiver has been requested.

**Official Form B3B** - consists of a cover sheet and the application.

**R.I. Bankr. Form D** - Expense Information - the debtor must file this form if Schedule J has not been filed with the petition.

#### **FILING PROCEDURE**

- 1) Under the section "Filing Fee" on the first page of the petition (Official Form 1), the debtor must check that they intend to file the Application to Waive the Chapter 7 Filing Fee.
- 2) The debtor must then file a signed Application to Waive the Chapter 7 Filing Fee using Official Form B3B and, if Schedule J has not been filed, the debtor must also file R.I. Bankr. Form D "Expense Information for Fee Waiver Application".
- 3) If the fee waiver is not filed with the petition, the Court will issue a 7-Day Notice of Missing Documents requiring the debtor to, pay the filing fee, file a signed fee waiver, or file an application to pay in installments within 48 hours. See amended LBR 1007-1(b)

#### **DEFECTIVE APPLICATIONS**

Defective applications will be automatically denied and the debtor will be required to pay the filing fee in installments in accordance with the procedures outlined in R.I. LBR 1006-1. ( The first installment payment of 25% will be due immediately upon entry of the order denying the fee waiver, with continued payments of 25% commencing within thirty (30) days of the petition date and every twenty-eight(28) days thereafter).

## **RESOLUTION OF THE FEE WAIVER**

### **Denial of Application:**

If the application is denied, the clerk will set forth an installment payment schedule in accordance with the procedures outlined in R.I. LBR 1006-1. The first installment payment of 25% will be due immediately upon entry of the order denying the fee waiver, with continued payments of 25% commencing within thirty (30) days of the petition date and every twenty-eight (28) days thereafter .

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### **Granting of Application:**

The granting of the application applies to all future fees. The Court's computer system has been modified so that future fee screens will not appear in the case.

## **CONVERSION AND IFP CASES**

### **Conversion from 7 to 13:**

If the filing fee of an individual chapter 7 debtor is waived and that debtor's case is later converted to a case under chapter 13, the debtor must pay the full chapter 13 filing fee. The conversion order will give a reasonable time for the debtor to either pay the fee in full, or begin making installment payments.

### **Conversion from 13 to 7:**

If a case is converted from chapter 13 to chapter 7, the court may waive (upon application) any unpaid balance on the filing fee, if the debtor meets the standard of eligibility.

## **REVOCATION OF FEE WAIVER**

The court may vacate an order waiving the filing fee if developments in the case or administration of the estate demonstrate that the waiver was unwarranted.

Revised (12/09)