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Filing without an Attorney

Do I need an attorney to file for bankruptcy?
Answer:
An individual (or persons who are married spouses filing jointly in the same case) may file a bankruptcy case without the assistance of an attorney. When this happens the individual(s) represent themselves as debtors in *pro se*, which can be extremely difficult to do. Retaining a competent attorney is highly recommended. For information about attorney referral programs contact a local bar association.

Pursuant to Local Rule 9010-1(a), a corporation, partnership, or any entity other than a natural person may not file a bankruptcy case in the Northern District of California except through an attorney admitted to practice in the United States District Court for the Northern District of California.

Where can I obtain bankruptcy forms?
Answer:
Forms are generally available at office supply stores and other businesses online and otherwise that sell legal forms. Forms are also available from the national United States Courts website and the Northern District of California Bankruptcy Court website. The Bankruptcy Court Clerk divisional offices in the Northern District of California do not stock forms.

Where do I file my bankruptcy petition and other documents?
Answer:
The Court has four divisional offices located in San Francisco, San Jose, Oakland, and Santa Rosa. The proper divisional office to file a bankruptcy petition is determined by the debtor's county of residence, as follows:

Santa Rosa - Counties of Del Norte, Mendocino, Humboldt, Napa, Sonoma, Marin and Lake. The division office is located at the United States Courthouse, 99 South "E" Street, Santa Rosa, California 95404.

San Francisco - Counties of San Francisco and San Mateo. The division office is located at

450 Golden Gate Avenue, 18th Floor, San Francisco, California

Oakland - Counties of Alameda and Contra Costa. The division office is located at 1300 Clay Street, Room 300, Oakland, California 94612 (mailing address: P. O. Box 2070, Oakland, California 94604).

San Jose - Counties of Santa Clara, Santa Cruz, Monterey and San Benito. The division office is located at the United States Courthouse, 280 South First Street, Room 3035, San Jose, California 95113.

When filing documents with the Court, how many copies do I need to provide?
Answer:
The Court requires only an original document be provided for filing. If however you wish to have a Court-stamped conformed copy of an original document returned to you, a copy of the original document must also be provided. If you are filing by mail you must include an appropriately sized self-addressed envelope with sufficient postage affixed to hold and return the conformed copy to you.

Note: For some documents the judge assigned to the case may require that a copy be provided (sometimes also referred to as a "chamber's copy," "judge's copy" or a "courtesy copy"). Please refer to the Division Procedures for the posted copy requirements of the assigned judge.

In an emergency, what are the minimum documents I need to file to begin an individual bankruptcy case?
Answer:
Voluntary Petition
Statement About Your Social Security Number
Certificate of Credit Counseling
List of Creditors

What if I have an emergency paper filing after regular business hours?
Answer:
The Court is open to the public between the hours of 9:00 a.m. to 4:30 p.m. Monday through Friday, except on Federal holidays. To file an emergency petition on paper after regular business hours, a pre-approved appointment must be arranged. Please contact the appropriate divisional office to arrange for an emergency filing:

San Francisco: (415) 268-2300
San Jose: (408) 278-7500
Oakland: (510) 879-3600
Santa Rosa: (707) 525-8539

May debtors pay their filing fee by personal check, credit or debit card?
Answer:
No. The only acceptable forms for debtors to pay fees are money orders, cashiers' checks or,

if paying in person at a divisional office, cash in the exact amount of the required payment. Money orders and cashiers' checks should be made payable to “Clerk, U.S. Bankruptcy Court,” in the exact amount of the required payment. The Clerk's Office does not make change. Do not send cash through the mail.

How do I apply for a waiver of the bankruptcy petition filing fee, or to pay the fee via installment payments?

Answer:

Federal law (28 U.S.C. §1930) requires the payment of a fee to file a bankruptcy petition and also, in limited circumstances, permits such fees to be waived or paid via installments.

In a chapter 7 case voluntarily filed by an individual, if the debtor's income is less than 150% of the federal poverty level relative to the debtor’s family size, and the debtor is unable to pay the fee in installments, the Court may waive payment of the fee. A fee waiver may be requested by filing a completed Application to Have the Chapter 7 Filing Fee Waived. If the Court denies the request, the debtor may be required to pay the fee in full or via installment payments.

An individual filing a voluntary case (or married spouses voluntarily filing a joint case) under any chapter who is unable to pay the full fee at the time of filing may request the fee be paid via installments by filing an Application for Individuals to Pay the Filing Fee in Installments.

I filed a bankruptcy case, do I need to send a copy of the petition to anyone?

Answer:

The Clerk’s Office will send a notice of your bankruptcy case filing to those creditors listed with a complete street address, city, state and zip code in your initial bankruptcy petition. It is your responsibility to proceed as you think is necessary to notify any other person or entity.

Can I view bankruptcy documents online?

Answer:

Documents filed with the Court, and complete case information, is immediately available for viewing by attorneys, parties and the general public through PACER.

Can the public access CM/ECF to electronically file documents?

Answer:

No. Full access to CM/ECF is available to attorneys and limited access is available to certain other professionals (creditors, trustee staff, etc.) who have successfully completed CM/ECF training.

How do I get a bankruptcy case removed from my credit report?

Answer:

The bankruptcy court has no jurisdiction over credit reporting agencies. The Fair Credit Reporting Act, 15 U.S.C. Section 1681(c) provides that credit reporting agencies may not report a bankruptcy case on a person's credit report after ten years from the date the bankruptcy case is filed. Other bad credit information is removed after seven years.

For information on re-establishing credit and addressing credit problems, contact the Federal Trade Commission (FTC), Consumer Response Center, 600 Pennsylvania Ave. NW, Washington, D.C. 20580. The toll-free FTC help-line number is 1-877-382-4357, and the FTC website is located at www.consumer.ftc.gov.

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