

## [Filing a Bankruptcy Case for an Individual Without an Attorney](#)

### **Filing a Bankruptcy Case for an Individual Without an Attorney (Pro Se Debtor) Information**

Bankruptcy law can be complicated and debtors should, if possible, obtain information/advice from an attorney or a legal aid service experienced in bankruptcy law. If you are representing yourself without the benefit of an attorney, you are known as a "pro se" debtor. The information contained in this page **is not** intended to advise you of your legal rights or responsibilities. It merely outlines certain requirements for filing documents with the court.

In addition, the Clerk's Office staff **is prohibited** from assisting with the preparation of the voluntary petition, schedules or other documents. Deputy clerks **cannot** provide legal advice. All parties must comply with the Federal Rules of Bankruptcy Procedure, the United States Bankruptcy Code, the Northern District of California's Bankruptcy Local Rules, Administrative Procedures and General Orders. Failure to do so could result in the dismissal of your case.

### **IMPORTANT INFORMATION**

The Bankruptcy Judges Advisory Group of the Administrative Offices of the United States Courts, Bankruptcy Judges Advisory Group has developed a new [web page](#) for individuals who are thinking of filing a bankruptcy petition without an attorney. The page also provides links and videos to resources for Bankruptcy Basics, Credit Counseling, Legal Services, Foreclosures, and Petition Preparers.

This page is available at: <http://www.uscourts.gov/services-forms/bankruptcy/filing-without-attorney>

### **[WATCH THE VIDEOS](#)**

Notice Required by [§ 342\(b\)](#) for Individuals Filing for Bankruptcy (Form [2010](#).), in accordance with §342(b) of the Bankruptcy Code, this notice: (1) describes briefly the services available from credit counseling services; (2) Describes briefly the purposes, benefits and costs of the four types of bankruptcy proceedings you may commence; and (3) Informs you about bankruptcy crimes and notifies you that the Attorney General may examine all information you supply in connection with a bankruptcy case.

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### **CREDIT COUNSELING BEFORE YOU FILE**

Bankruptcy law requires that you complete credit counseling **within** 180 days **before** you file a bankruptcy petition. **Also, Part 5 of the Voluntary Petition (Explain Your Efforts to Receive a Briefing About Credit Counseling) must be completed.** The Office of the United States Trustee has a list of [approved credit counseling agencies](#).

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### **PRIVACY INFORMATION**

- **Redaction of Personal Data Identifiers in All Documents** - The Judicial Conference of the United States has implemented policies to protect sensitive information about parties, witnesses and others involved in a civil, criminal, or bankruptcy case. You are **required** to remove or not disclose certain personal identifier information in your bankruptcy documents. Redacting personal identifiers is your responsibility. The clerk's office **will not** review

documents for compliance with this rule or redact information on documents.

- **Social Security Numbers** - You are required to submit an [Official Form 121](#), *Your Statement About Your Social Security Numbers* at the time you file your bankruptcy petition. That form **must** contain the full social security number. The information on this form **will not** be available to the public.
- **Names of Minor Children** - If necessary, only the minor's initials should be used.
- **Financial Account Numbers** - If necessary, only the last four numbers of the account number should be used.
- **Dates of Birth** - If necessary, only the year should be used.

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## **BASIC DOCUMENT REQUIREMENTS**

- **Required Lists, Schedules, Statements and Fees (Director's Form 2000) and Basic Bankruptcy Forms**

The Director's [Form 2000](#) summarizes the **required** forms and fees for filing a chapter 7, 11, 12 or 13.

Some forms are not listed on Form 2000, but may be required to comply with rules applicable to your individual situation, or to protect your rights. If possible, you may want to obtain legal advice about which forms to file and how to complete them. All forms submitted to the court must be complete and signed.

**Note:** When filing a joint case (spouses), both debtor and joint debtor are required to sign all documents and pleadings for filing. Please provide a daytime phone number under the signature.

**If a petition preparer prepares your bankruptcy case documents, you must disclose the name of the petition preparer on the related section of the petition.** A Bankruptcy Petition Preparer's Notice, Declaration and Signature ([Form 119](#)) must also be filed.

- **Payment Advices**

Provide the trustee assigned to your bankruptcy case copies of all payment advices (employment pay stubs) that you received from your employer **within 60 days** before filing your bankruptcy petition. **Do not** file payment advices with the Court.

If payment advices are not available provide the trustee assigned to your case with a certification stating why the payment advices are not available. The certification should include an estimate of the payments received from your employer *within 60 days* before filing your bankruptcy petition, and also should include any other evidence (such as bank statements showing deposits from your employer) of the payments received.

To provide your trustee payment advices or a certification that payment advices are unavailable, follow [Amended General Order 32](#) and complete the [Statement Re Payment Advices](#) form.

In accordance with [Federal Rule of Bankruptcy Rule 9037](#), remember to redact social security numbers, financial account numbers and other personal data identifiers from payment advice documents provided to your trustee.

- **Tax Returns**

You must submit the previous year's tax returns to the case trustee **not later than 7 days** before the date first set for the first meeting of creditors. Failure to submit the tax documents may result in your case being dismissed. Unless otherwise instructed, **do not** submit your tax returns for filing to

the Court.

- **Mailing Matrix**

A mailing matrix is an alphabetical list of the names and addresses of all your creditors and any co-debtors that you have listed on [Schedules D](#) and [E/F](#).

The mailing matrix (list of creditors) must be filed at the same time the bankruptcy petition is submitted to the Court – even if your creditors are already documented in the other forms that accompany your petition.

- **Certification About a Financial Management Course**

Before a discharge can be granted in an individual Chapter 7 or Chapter 13 case, each debtor must complete a personal financial management course. This course must be completed **after** the filing of the petition. A list of the [approved financial management providers](#) is located under the link for the U.S. Trustee.

Use only [Official Form 423](#), *Certification About a Financial Management Course*, to certify that you have taken the personal financial management course. Separate certification forms are required for the debtor and joint debtor. Failure to file the certification may result in your case being closed **without** an entry of discharge. **Do not** file form 423 with the petition. This is a post-petition requirement.

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- **FILING FEE**

The entire filing fee must be provided **with** your bankruptcy petition, **unless**

- You file an Application for Individuals to Pay the Filing Fee in Installments ([Official Form 103A](#)). If your application is approved, the Court will order a payment schedule for the balance of the fees, or
- **For Chapter 7 case only**, if you cannot afford to pay the full filing fee or in installments, you may request a waiver by submitting an *Application to Have the Chapter 7 Filing Fee Waived* ([Official Form 103B](#)). The Court will thereafter enter an order to either 1) waive the filing fee; 2) order payment to be paid in installments; 3) pay the filing fee in full; or 4) set the matter for hearing. You may obtain information about the application and the poverty guidelines from the [US Courts website](#).
- Additional fees may also be required for filing other documents in bankruptcy cases.

Fees must be paid with a money order or cashier's check made payable to the *U.S. Bankruptcy Court*. **NO PERSONAL CHECKS OR CREDIT CARDS ARE ACCEPTED FROM PRO SE DEBTORS.**

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## **NUMBER OF COPIES REQUIRED**

For all new cases, only one original is required at the time of filing. Additional copies may be submitted if you want endorsed copies returned to you. If copies are to be returned by mail, submit a self-addressed stamped envelope.

For all filings other than the required case opening documents, please refer to each division's

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Chamber's Copies for (Electronic Case Filing) ECF requirements.

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## EMERGENCY FILINGS

The Court will accept emergency filings with limited documents, commonly referred to as a "Skeletal Petition." The following documents are required when filing a Skeletal Petition:

1. [Filing Fee](#);
2. [Voluntary Petition for Individuals Filing for Bankruptcy](#);
3. [Your Statement About Your Social Security Numbers](#);
4. Certificate of Credit Counseling; and
5. Creditor Matrix (List of Creditors)

**NOTE:** The remainder of the required documents, as listed on Form 2000, must be filed **within 14 days** from the date of the filing of the petition, or your case may be subject to dismissal.

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## [WHERE TO FILE YOUR CASE](#)

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