

DOCUMENTS REQUIRED BY BAPCPA
(ATTORNEY FILED CASES)

(Modified 5/3/06)

1. Sections 342(b). An attorney is required to give the debtor the Notice to Individual Consumer Debtor required by Section 342(b)(1). While this notice does not need to be filed with the court, you may e-file it as part of the schedules and statements. The new petition form contains a certification for an attorney to certify that they delivered to the debtor the notice required by Section 342(b). **Bankruptcy software providers will likely include revised form once it is available from the www.uscourts.gov web site.**
2. Section 527 also requires that an attorney provide the debtor with a clear and conspicuous written notice containing the disclosures stated in Section 527(a)(2). **This notice is not to be filed with the court. Attorney is to retain a copy for two years. No official form, the statute contains the required disclosure. Bankruptcy software providers will likely include as form.**
3. Section 527(b). An attorney is to provide the debtor in a document titled Notice of Important Information About Bankruptcy Assistance Services From an Attorney all the information included in subsection (b). **This notice is not filed with the court. Attorney is to retain a copy for two years. No official form, the statute contains the required disclosure. Bankruptcy software providers will likely include as form.**
4. Section 527(c). An attorney is to provide the debtor sufficient information, in a clear and conspicuous writing, on how to provide all the information the debtor is required to provide under Section 521 and those additional items stated in 527(c). **This notice is not filed with the court. Attorney is to retain a copy for two years. No official form, the statute contains the required disclosure. Bankruptcy software providers will likely include as form.**
5. Section 528. An attorney is to execute a written contract with the debtor that explains clearly and conspicuously the services that will be provided the debtor, the fees or charges for such services and the terms of payment. The debtor is to be provided a copy of the fully executed and completed contract. **This document is not filed with the court**
6. Sections 109(h) and 521(b) and Interim Bankruptcy Rule 1007(b)(3). **Credit Counseling Certificate** to include any debt repayment plan, a certificate of exigent circumstances under section 109(h)(3) or an application to waive the credit counseling requirement under section 109(h)(4). Interim Rule 1007(c) requires that one of these be filed with the petition and the case is subject to dismissal if not filed within 5 days.*
7. Sections 707(b), 1129(a)(15) and 1325(b)(2) and Interim Bankruptcy Rule 1007(b)(4), (5) and (6). **Individual Chapter 7, 11 or 13 Debtor Statement of Current Monthly Income.** Interim Rule 1007(c) requires that, if not filed with the petition, that this statement is to be filed within 15 days and the case is subject to dismissal if not filed.*

8. Section 521(a)(1)(B)(iv) and Interim Bankruptcy Rule 1007(b)(1)(E). A new General Order will require that a **Declaration Regarding Payment Advices** be filed, to which copies of the payment advices may be attached. Interim Rule 1007(c) requires that, if not filed with the petition, that this declaration is to be filed within 15 days and the case is subject to dismissal if not filed.*

***IT IS IMPORTANT TO NOTE THAT THE THREE NEW REQUIRED DOCUMENTS DESCRIBED IN 6, 7 and 8 ABOVE WILL BE SEPARATELY TRACKED FOR FILING AND A CASE MAY BE DISMISSED IF ANY ONE OF THESE THREE FILINGS ARE NOT TIMELY MADE.**

If these three filings are made at the time you file the petition, schedules and statements, then these documents may all be included with the opening petition entry (except if filing a Certificate of Exigent Circumstances or an Application for Waiver of the Credit Counseling Requirement in lieu of the Credit Counseling Certificate, then either of those two documents must be filed as separate documents using the below specific entries.) If any one or more of these three filings are not filed with the petition, but are filed later (even if filed later with the schedules), they then must be filed as separate documents using the below specific entries.

Except for the Application to Waive, which is under Bankruptcy Motions/Applications, these entries are **located in the Bankruptcy Other** filing category.

**Waiver of Credit Counseling Requirement (Application for)
Certificate That Debtor was Unable to Obtain Credit Counseling Due to Exigent
Circumstances**

Credit Counseling Certificate (Include any Debt Repayment Plan)

**Chapter 7 Individual Debtor Statement of Monthly Income and Means Test
(Presumption arises)**

**Chapter 7 Individual Debtor Statement of Monthly Income and Means Test
(Presumption does not arise)**

Chapter 13 Debtor Statement of Current Monthly Income and Disposable Income

Chapter 11 Individual Debtor Statement of Current Monthly Income

Declaration of Evidence of Employer Payments (payment advices)

Below are other new ECF filing entries that are to be used to file certain new documents required by the Act. It is important that these entries be used when filing the document as opposed to using a more generic filing entry.

LOCATED IN BANKRUPTCY OTHER FILING CATEGORY:

Certificate of Chapter 13 Debtor that all Support Obligations are Current (This filing is required by Section 1328(a) for the debtor to receive a chapter 13 discharge in those chapter 13 cases where the debtor is required to pay a domestic support obligation)

Chapter 13 Debtor Statement of Income and Expenditures for Tax Year (This filing is required by Section 521(f)(4))

Debtor Tax Information (This entry is to be used to file copies of Federal income tax returns when required to be filed by Section 521(f). It is your responsibility to redact the SSN or other personal identifiers before filing them. **Copies of Pre-petition tax returns that are to be provided the trustee pursuant to Section 521(e) are NOT to be filed with the court, but are to be provided directly to the trustee.**

Financial Management Course Certificate (This entry is to be used to file this certificate which is required by Sections 727 and 1328 for a debtor to receive a chapter 7 or chapter 13 discharge. **If the debtor does not file this certificate (or obtain a waiver pursuant to Section 727(11) and 109(h)(4)), the case can be closed without a discharge. If closed without a discharge, for the debtor to reopen the case to file the missing certificate and obtain a discharge, the debtor will be required to pay the reopening filing fee of 220.00 for a chapter 7 and 150.00 for a chapter 13.)**

Request That Debtor File Tax Information Pursuant to Section 521(f)

LOCATED IN BANKRUPTCY MOTIONS/APPLICATIONS FILING CATEGORY:

Delay or Postpone Discharge Pursuant to Section 727(a)(12), 1141(d) or 1328 (Motion to)

Dismiss Case for Failure of Debtor to Provide Requested Tax Information (Motion to)

Enter Dismissal Order for Failure of Debtor to File Documents Required by Section 521(a)(1) (Motion to)

Entry of Order Confirming That No Stay is in Effect under Section 362(c)(4) (Motion for)

Entry of Order that Section 362(a) Stay Take Effect pursuant to Section 362(c)(4) (Motion for)

Waiver of Financial Management Requirement (Application for)

LOCATED IN BANKRUPTCY APPEAL FILING CATEGORY:

Request to Certify Direct Appeal to Circuit Court of Appeals

LOCATED IN BANKRUPTCY TRUSTEE/US TRUSTEE FILING CATEGORY:

These filings are to be made only by the case trustee, an attorney for the case trustee or the US Trustee.

Trustee Motion to Dismiss Case for Failure or Debtor to Provide Tax Information

Trustee Motion to NOT Dismiss Case for Failure of Debtor to File Required Documents

Trustee Motion to Enter Dismissal Order for Failure of Debtor To File Documents Required by Section 521