

**United States Bankruptcy Court
Northern District of California**

Filing a Bankruptcy Case without an Attorney
(Pro Se Debtor)

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 document *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. Information contained in this packet is also available on the court’s website <http://www.canb.uscourts.gov>.

Important Information

The Bankruptcy Judges Advisory Group of the Administrative Offices of the United States Courts produced a web page for individuals who are considering filing a bankruptcy petition without an attorney. The page also provides links to resources for bankruptcy basics, credit counseling, legal services, foreclosures and petition preparers.

This page is available at: <http://www.uscourts.gov/bankruptcycourts/prose.html>.

Notice to Individual Consumer Debtor under § 342(b) of the Bankruptcy Code (Form B201), 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.

Credit Counseling Before You File

Bankruptcy law requires that you complete credit counseling *within* 180 days *before* you file a bankruptcy petition. Also, Exhibit D, *Individual Debtor’s Statement of Compliance with Credit Counseling Requirement*, *must* be filed with the bankruptcy petition. The Office of the United States Trustee has a list of approved credit counseling agencies.

Privacy Information

- **Redaction of Personal Data Information 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 information in your bankruptcy documents. Redacting personal information 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 B21, *Statement of Social Security Number*, at the time you file your bankruptcy petition. The above form *must* contain your 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.

Basic Document Requirements

- **Required Lists, Schedules, Statements and Fees Checklist (Director’s Form B200) and Basic Bankruptcy Forms**

The Director’s Form B200 summarizes the *required* forms and fees for filing chapter 7, 11, 12 or 13.

Some forms are not listed on Form B200, 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 (husband and wife), both debtor and joint debtor are required to sign all documents and pleadings for filing. Please provide a daytime telephone number under the signature.

If a petition preparer presents your case for filing, the preparer must complete and sign the designated section of the petition. A *Declaration and Signature of Non-Attorney Bankruptcy Petition Preparer and Notice to Debtor by Non-Attorney Bankruptcy Petition Preparer* (Form 19) must also be filed.

- **Payment Advices**

Please provide copies of all payment advices (employment pay stubs) that you received from your employer ***within 60 days*** before filing your bankruptcy petition. If you do not have pay stubs, please provide copies of any other evidence of payment such as bank statements showing deposits from your employer. If you do not have any evidence of payment, complete the *Statement re Payment Advices*. Please follow the applicable division requirements listed below:

San Francisco: Pursuant to the Privacy Act, redact (remove) all but the ***last four digits*** of your social security number on each copy.

Chapter 7 cases or chapter 11 individual cases: Submit the payment advices and/or *Statement re Payment Advices* ***within 15 days*** from the date you file your bankruptcy petition.

Chapter 13 Cases: ***Do not*** file the payment advices with the court. Submit these documents directly to the Chapter 13 trustee. Please see *Order re Payment Advices in Chapter 13 Cases*, dated September 26, 2006, for more information.

Santa Rosa: Pursuant to the Privacy Act, redact (remove) all but the ***last four digits*** of your social security number on each copy. Submit the payment advices or *Statement re Payment Advices* ***within 15 days*** from the date the bankruptcy petition was filed.

Oakland: ***Do not*** file your payment advices with the court. Submit these documents directly to the trustee assigned to your case. See *Order re Filing of Payment Advices*, dated May 15, 2006, for more information.

San Jose: ***Do not*** file your payment advices with the court. Submit these documents directly to the trustee assigned to your case. See *Order re Filing of Payment Advices*, dated October 17, 2005, for more information.

- **Tax Returns**

You must submit the previous year's tax returns to the case trustee ***not later than seven (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, E and F. The Court's Amended General Order 13 provides information regarding the required format. In addition, a Mailing Matrix Cover Sheet is required.

Contrary to the instructions provided in Form B200, 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.

- **Debtor's Certification of Completion of Instructional Course Concerning Personal Financial Management**

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 in the United States Trustee section of the court's website.

Please complete Official Form B23, *Debtor's Certification of Completion of Instructional Course Concerning Financial Management*, 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 dismissed *without* an entry of discharge. **Do not** file Form B23 with the petition. This is a post-petition requirement.

Filing Fee

The entire filing fee must be submitted along **with** your bankruptcy petition, **unless**:

- You file an *Application to Pay Filing Fee in Installments* (Official Form B3A). The first installment should accompany your petition. If your application is approved, the Court will order a payment schedule for the balance of the fees, or
- **For Chapter 7 cases only**, if you cannot afford to pay the full filing fee or in installments, you may request a waiver by submitting an *Application for Waiver of the Chapter 7 Filing Fee* (Official Form B3B.) The Court thereafter will enter an order to either 1) waive the filing fee; 2) order payment to be made 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 at <http://www.uscourts.gov> or in any of the Court's four divisional offices.

- Additional fees may also be required for filing other documents in bankruptcy cases.

Fees must be paid with cash, money order or cashier's check made payable to the *U.S. Bankruptcy Court*. **The exact amount is required for cash transactions. The Court will not provide change. Personal checks or credit cards are not accepted from pro se debtors.**

Copy Requirements

For all new cases, only the original document is required at the time of filing. Additional copies may be submitted if you want endorsed copies returned to you. If you would like endorsed copies to be mailed to you, please submit a self-addressed stamped envelope.

For all filings other than the required case opening documents, please refer to each division's copy requirements for Electronic Case Filing (ECF).

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;
3. Statement of Social Security;
4. Certificate of Credit Counseling with Voluntary Petition Exhibit D; and
5. Creditor Matrix with Creditor Matrix Cover Sheet (List of Creditors)

NOTE: The remainder of the required documents, as listed on Form B200, must be filed ***within 15 days*** from the date of the filing of the petition or your case may be subject to dismissal.

Where to File Your Case

Unless filing on an emergency basis, you must file your bankruptcy case and subsequent documents in the applicable division location. If you have questions regarding your bankruptcy case, please contact the division where you filed your case.

Santa Rosa Division

U.S. Bankruptcy Court
99 South "E" Street
Santa Rosa, CA 95404
(707) 525-8539

San Jose Division

United States Federal Building & Courthouse
280 South First Street, Room 3035
San Jose, CA 95113-3099
(408) 535-5118

Oakland Division

U.S. Bankruptcy Court
1300 Clay Street, #300
Oakland, CA 94612
(510) 879-3600

San Francisco Division

United States Bankruptcy Court
PO Box 7341
San Francisco, CA 94120-7341

Street address:

235 Pine Street, 19th Floor
San Francisco, CA 94104
(415) 268-2300