

Do Your Duty



Bankruptcy provides debtors with several benefits but also imposes several duties. Your case may be dismissed if you do not comply with certain statutory requirements and deadlines under applicable federal and local rules of procedure. To the right is a list of many important duties you should know before filing a bankruptcy case.



Debtors' Duties in Bankruptcy

- Obtain credit counseling **BEFORE** you file your petition. This course **MUST** be complete within 180 days prior to filing.
- File all required statements and schedules and make sure all information is complete and accurate. Note: The requirements for filing a Chapter 7 or Chapter 13 case are slightly different.
- Provide the Court with a correct Social Security or Taxpayer ID Number. If the information on your petition is incorrect, you must send a Notice of Corrected Social Security Number to all creditors and the major credit reporting agencies and file a Certificate of Service that includes the names and addresses of each person/business that was notified of the error.
- Provide the Trustee with pay advices (wage statements) from your employer and complete the **Statement Under Penalty of Perjury Concerning Payment Advices and Tax Returns**. If for some reason (e.g., you were not employed) you do not have these for the 60 days before bankruptcy, your statement should reflect that by selecting the appropriate option on the form.
- Provide the Trustee with a copy of your most recent federal tax return and complete the **Statement Under Penalty of Perjury Concerning Payment Advices and Tax Returns**. Copies of a federal tax return can be ordered from the IRS. If you did not need to file a tax return for the most recent tax year, your statement should reflect that by selecting the appropriate option on the form.
- Attend the Meeting of Creditors, or "341 Meeting," which is typically held within two months after filing.
- Keep domestic support obligations, such as child support and alimony, current. Make sure the Trustee knows of these obligations and ensure they have been disclosed on your schedules.
- Notify other parties of your bankruptcy case if you are involved in a lawsuit or collection action.
- Complete a course in personal financial management (debtor education) **AFTER** filing your petition. This course **MUST** be taken within 60 days after the 341 Meeting in a Chapter 7 case and prior to your last plan payment in a Chapter 13 case.
- In a Chapter 13 case, file a plan and start making payments to the Trustee **within 30 days after filing your petition**.

Additional Considerations

Debtors have a duty to be honest and transparent with the Court and Trustee appointed to their case. This means not only filing each required document, i.e., petition, schedules, statements, but also ensuring each document is accurate and complete. The Court suggests you speak with an attorney if you have questions related to filing a bankruptcy case. A complete list of filing requirements for Chapter 7 and Chapter 13 cases can be found at: <https://www.moeb.uscourts.gov/filing-requirements>

A copy of the Court's Procedures Manual, which details what a debtor must bring with them to their Meeting of Creditors, can be found at: <https://www.moeb.uscourts.gov/rules-and-procedures>

