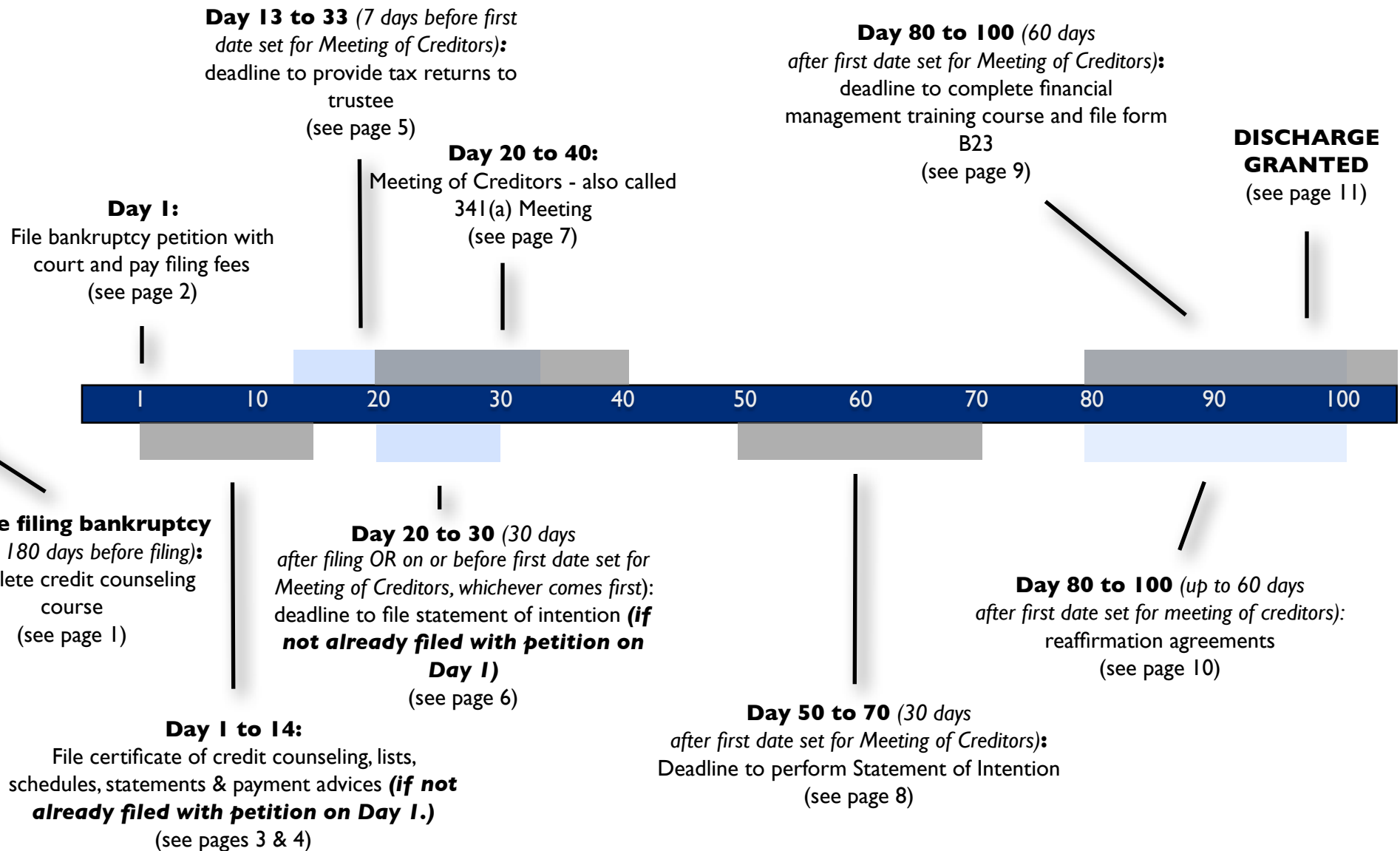


# CHAPTER 7 BANKRUPTCY TIMELINE

Updated 2/5/14



## **Before filing bankruptcy (within 180 days before filing): complete credit counseling course**

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### **Description**

Before you file for bankruptcy, you must complete a credit counseling course from an approved credit counseling agency. These courses generally last 60 to 90 minutes, and may be completed in person, on the internet, or over the phone. For a list of approved credit counseling agencies, you may visit [www.justice.gov/ust/eo/bapcpa/ccde/cc\\_approved.htm](http://www.justice.gov/ust/eo/bapcpa/ccde/cc_approved.htm).

Upon completion of the course, you will receive a Certificate of Credit Counseling.

### **Deadline**

You may complete the credit counseling course any time within 180 days before you file for bankruptcy.

## Day 1: File bankruptcy petition with court & pay filing fees

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### Description

Filing a bankruptcy petition is your official request to the court to open your bankruptcy case. You can find the bankruptcy petition package online at [www.cacb.uscourts.gov/forms](http://www.cacb.uscourts.gov/forms). The “bankruptcy petition package” refers to the entire set of court documents required to open a bankruptcy case.

For assistance in completing the bankruptcy petition package, you can visit the Self-Help Desk at your divisional courthouse.\* Hours and information for each Self-Help Desk are available at [www.cacb.uscourts.gov/dont-have-attorney](http://www.cacb.uscourts.gov/dont-have-attorney) under the “Free or Low Cost Bankruptcy Help” tab.

Once you complete your petition package, you can file it by bringing it to the intake window of the clerk’s office at your divisional courthouse. At the time of filing, you will have to pay a filing fee of \$306, broken down as follows:

- \$245 case filing fee
- \$ 46 miscellaneous administrative fee
- \$ 15 trustee surcharge

If you have trouble paying the filing fee, the court may grant you permission to pay in installments. If your income is below 150% of the poverty level and you are unable to pay the fees even in installments, the court may waive the fee requirement. Please see [www.uscourts.gov/FederalCourts/Bankruptcy.aspx](http://www.uscourts.gov/FederalCourts/Bankruptcy.aspx) for more information.

### Deadline

You must file your bankruptcy petition package within 180 days after completing your credit counseling course.

\*Visit [www.cacb.uscourts.gov/court-locator](http://www.cacb.uscourts.gov/court-locator) and type your zip code into the search bar on the left to find your divisional courthouse.

## **Day 1 to 14: File Certificate of Credit Counseling**

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### **Description**

You must file the Certificate of Credit Counseling that you received upon completion of the credit counseling course.

### **Deadline**

You may file the Certificate of Credit Counseling with your bankruptcy petition package on Day 1. The **absolute** deadline to file the certificate is 14 days after filing your petition.

## **Day 1 to 14:** File lists, schedules, statements & payment advices

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### **Description**

There are a number of court documents included in your bankruptcy petition package, including the Schedules of Assets and Liabilities, Schedule of Income and Expenditures, and Statement of Financial Affairs.

### **Deadline**

You may file these documents with your bankruptcy petition package on Day 1. The **absolute** deadline to file these documents is 14 days after filing your petition.

## **Day 13 to 33** (*7 days before Meeting of Creditors*): deadline to provide tax returns to trustee

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### **Description**

You are required to provide a copy of your most recent federal tax return to your Chapter 7 Trustee.\* Your Chapter 7 Trustee's address will be listed in a notice entitled, "Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors, Deadlines" which you will receive from the court after filing your bankruptcy petition.

### **Deadline**

You are required to provide your tax return to your Trustee at least **7 days before** the first date set for your Meeting of Creditors (See Page 7).

\*In a Chapter 7 bankruptcy case, you may hear the word "Trustee" more than once. The Office of the U.S. Trustee is part of the Justice Department, responsible for protecting the integrity of the Federal bankruptcy system. After you file your Chapter 7 bankruptcy, the Office of the U.S. Trustee will appoint a **Chapter 7 Trustee** to oversee your case. The Chapter 7 Trustee is a private, impartial individual paid to administer your bankruptcy and liquidate any non-exempt assets in your estate.

**Day 20 to 30** (30 days after filing OR on or before first date set for Meeting of Creditors, whichever comes first): deadline to file Statement of Intention

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### **Description**

The Statement of Intention is a document in the bankruptcy petition package that addresses your **secured debts** -- these are debts in which there is collateral (property) promised to your creditors in case you fail to pay them back. Examples of secured debts include car loans and mortgages. In the Statement of Intention, you will describe your plan to either surrender or retain any property securing your debts.

### **Deadline**

You can file the Statement of Intention with your bankruptcy petition package on Day 1. The absolute deadline to file the Statement of Intention is within 30 days after filing your petition **OR** on or before the first date set for the Meeting of Creditors (whichever comes first).

## **Day 20 to 40: Meeting of Creditors - also called 341(a) Meeting**

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### **Description**

Once you file your bankruptcy petition, the court will mail you and any creditors a notice entitled, “Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors, Deadlines.” This notice informs your creditors of your bankruptcy case, provides information about various court deadlines, and contains the date, time, and location of the Meeting of Creditors.

The Meeting of Creditors is not a court hearing, but rather a chance for the Chapter 7 Trustee overseeing your bankruptcy case, as well as any creditors who wish to attend, to ask you questions regarding your financial affairs and property. Although there will be no judge present during the Meeting of Creditors, you will be under oath as you answer questions regarding your financial situation.

You must bring to the meeting:

- photo identification
- your Social Security card
- documentation supporting the schedules from your bankruptcy petition

### **Deadline**

The Meeting of Creditors takes place within 20 to 40 days after you file your petition.



**Day 50 to 70** (*30 days after first date set for Meeting of Creditors*): deadline to perform Statement of Intention

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**Description**

As you recall, you were required to file a Statement of Intention with the court, describing your plan to either surrender or retain any property securing your debts (See Page 6).

**Deadline**

30 days after the first date set for the Meeting of Creditors, you must perform what is outlined in your Statement of Intention.

**Day 80 to 100** (*60 Days after First Date Set for Meeting of Creditors*): deadline to complete financial management course and file Form B23

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### **Description**

In addition to the credit counseling course you completed before filing for bankruptcy, you are ALSO required to take a financial management course from an approved agency. The course can be completed in person, on the internet, or over the phone. For a complete list of approved agencies where you can take the course, please visit [www.justice.gov/ust/eo/bapcpa/ccde/de\\_approved.htm](http://www.justice.gov/ust/eo/bapcpa/ccde/de_approved.htm).

Once you complete the financial management course, you will receive a Certificate of Completion. ***You are not required to file the Certificate of Completion itself, but you must complete Form B23 (“Debtor’s Certification of Completion of Postpetition Instructional Course Concerning Personal Financial Management”) and file this with the court*** -- unless the approved agency through which you took the course has already notified the court of the your completion.

### **Deadline**

You must file Form B23 within 60 days of the first date set for your Meeting of Creditors.

## **Day 80 to 100** (up to 60 days after first date set for meeting of creditors): reaffirmation agreements

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### **Description**

If you wish to keep certain personal property after filing for bankruptcy, you may enter into a Reaffirmation Agreement with your creditor. In a Reaffirmation Agreement, you agree to continue making payments on a particular debt (such as a car loan) in order to keep the property (such as a car).

If you are represented by an attorney during the negotiation of a Reaffirmation Agreement, and your attorney signs all the appropriate sections of the agreement, **it is not necessary for a judge to approve the agreement.**

However, if you are not represented by an attorney during the negotiation of a Reaffirmation Agreement, you must attend a court hearing called a **Reaffirmation Hearing**, where the judge must review and approve the Reaffirmation Agreement. The judge must decide that the agreement is in your best interest in order to approve it.

### **Deadline**

You must file the Reaffirmation Agreement within 60 days after the first date set for Meeting of Creditors.

## Discharge Granted

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### Description

Congratulations! The discharge is the order from the court forgiving you from certain debts. Once your discharge is granted, your creditors can no longer attempt to collect from you for the debts that were discharged. Remember, not all debts are dischargeable in bankruptcy. Please see [www.cacb.uscourts.gov/faqs](http://www.cacb.uscourts.gov/faqs) for more information.

### Deadline

Discharges may be granted as early as 60 days after the first date set for the Meeting of Creditors. However, the timing of a discharge varies from case to case.