

# HOW DO I APPLY FOR BANKRUPTCY WITHOUT A LAWYER

Bankruptcy is a complex and very paper intensive endeavor. It will require you to spend time, sometime a lot of time, learning about the process and the forms involved. With that said, it's not required, nor is it impossible, to file for bankruptcy Pro Se (without a lawyer).

- **The Courts**

Bankruptcy is covered by federal law. To file you will have to file in federal court. Texas is divided into four (4) districts, north, south, east and west. Depending on where you live, you will file in one of those districts. Keep in mind that each district has several branches. You will need to get on the internet to determine which branch office covers where you live. The courts' internet web sites are also a good source of information, forms and help.

Northern District: <http://www.txnb.uscourts.gov/>  
Pro Se information <http://www.txnb.uscourts.gov/prose/>  
Southern District: <http://www.txsb.uscourts.gov/>  
Eastern District: <http://www.txeb.uscourts.gov/>  
Western District: <http://www.txwb.uscourts.gov/>

- **Credit Counseling**

The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 requires you to take a government approved credit counseling class within 6 months before you file. You must also complete a debtor education course to have your debts discharged. The DOJ web site has a list of approved classes at [http://www.usdoj.gov/ust/eo/bapcpa/ccde/cc\\_approved4.htm#TX](http://www.usdoj.gov/ust/eo/bapcpa/ccde/cc_approved4.htm#TX) (be sure to scroll down until you find your district).

- **Forms**

The majority of bankruptcy work is made up of the forms. The web sites below are a good place to find the forms needed. A review of the actual forms is below.

The Northern District Bankruptcy Court web site has a link to the entire packet [http://www.txnb.uscourts.gov/forms/petitions/entire\\_petition\\_set.pdf](http://www.txnb.uscourts.gov/forms/petitions/entire_petition_set.pdf) (this includes the petition, schedules and most forms that are needed).

The Eastern District Bankruptcy Court web site has a link (<http://www.txeb.uscourts.gov/forms.asp>) to many forms as well.

- **Timeline**

- 1) Take credit counseling course (make sure to keep the certificate in a safe place)
- 2) Gather all your personal financial paperwork
  - a. Statements from all your creditors
  - b. Tax returns for the past 3 years
  - c. Proof of income
  - d. Valid Texas Driver's License and social security card (needed when you file the bankruptcy)
- 3) Get the complete bankruptcy packet and other forms needed
  - a. The web sites mentioned above is probably the best way to find everything
  - b. Be sure to take notice that not all the forms are needed for all types of bankruptcy
- 4) Complete all the forms to the best of your ability
  - a. The forms/schedules may be confusing, but remember the more information you give to the courts, the better it is for your case
- 5) Take the all the forms to the branch office that covers where you live
  - a. The Bankruptcy Courts are requiring all attorneys to file paperwork electronically BUT a Pro Se debtor can bring the paperwork to the clerk's office and the clerk will scan in the documents
- 6) File all the forms with the clerk of the bankruptcy court
  - a. If you can not afford to pay the filing fee all at one time, you may apply to pay the fee in installments
    - i. If approved, you will be allowed to pay the filing fee in installments (over the span of 4 months)
  - b. IF you are planning on filing for Ch 7, you can apply to have the fee waived by the court
  - c. If you are missing any paperwork, the court will tell you what is missing and when it is due
  - d. You will also be informed of who your case number, which judge, and trustee will be assigned to your case
  - e. The clerk will give you a document that proves that you have filed for bankruptcy protection
- 7) Give notice to any creditor that needs to be informed right away (ie the mortgage company if they are in the process of foreclosing on your home)
  - a. The court will mail out a notice to every creditor that you have listed in your paperwork to inform them that you have filed for bankruptcy protection, BUT this usually takes a few days
- 8) Attend the creditor's meeting (make sure that you bring your proof of identity and income)
  - a. You will be informed by the clerk at the time that you file as to when and where the creditor's meeting will be

- b. The creditor's meeting is designed to make sure that the trustee, the bankruptcy court and all the creditors have a correct understanding of your financial situation
- c. The creditor's meeting is also usually when you will find out if a creditor is opposed to your bankruptcy
- 9) If Ch 13, get the plan approved and make all the payments in the plan
  - a. To calculate your Ch 13 plan you need to start by calculating your disposable income
  - b. Disposable income is your income after deduction of all allowable expenses (remember that the IRS standard tells you how much to deduct for which expenses NOT your actual expenses)
  - c. The Plan is your payment of all of your disposable income to the Trustee, who will then distribute the payments to your creditors
  - d. Missing a Trustee payment is a very quick way to get your bankruptcy case dismissed
  - e. Also consider signing up to have your trustee payments automatically deducted from your bank account
- 10) Get a Discharge from the Bankruptcy Court

- **FORMS FORMS and more FORMS**

Most of the following forms are used by all of the Texas Bankruptcy Courts BUT some are local (meaning that the form for Northern District may be a little different than the form used by the Southern District). Be sure to check on the individual web sites for the local forms.

Voluntary Petition (Official Form 1)

Statement of Current Monthly Income and Means Test Calculation (Official Form 22A)  
CH 7 ONLY

Statement of Current Monthly Income and Disposable Income Calculation (Official Form 22C) CH 13 ONLY

Statement of Anticipated Increase in Income or expenses (a local form, if needed)

Statement of Social Security Number (Form B21)

Since all bankruptcy documents are available online, this form is the only piece of paper that has your entire social security number on it and is kept by the courts.

Certificate as to Credit Counseling (a local form)

Debt Repayment Plan from credit counseling agency, if one exists

Schedules A through J (Official Forms 6 and 6A-6J)

Statement of Financial Affairs (Official Form 7)

Application and Order to Pay Filing Fee in Installments, (Official Form 3A, if needed)

Application for Waiver of Chapter 7 Filing Fee (Official Form 3B, if needed) CH 7 ONLY

Chapter 7 Individual Debtor's Statement of Intention (Official Form 8) CH 7 ONLY

Notice to Individual Consumer Debtor (Bankruptcy Form B 201)

Copies of pay advices for the last 60 days

Statement of Interest in Education IRA or Qualified State Tuition Program (a local form, if needed)

List of Names and Address of Persons to Receive Bankruptcy Notices (Creditor Matrix)

See the district web sites for specific instructions.

Some districts may require additional local forms to be completed and filed in bankruptcy cases. Check with the district web sites and read the Local Rules to find out about such requirements.

- **GOOD LUCK**

Remember that the Bankruptcy Courts, Judges, Trustees and you all want the same thing. The rules we all learned in school still apply to filing for bankruptcy protection:

Don't be afraid to ask questions from the court staff. At worst, they will tell you that they can not answer that question.

Try to answer everything to the best of your ability

List all creditors, even those that you think will never try to collect