

Filing Without An Attorney (Pro Se)

The information provided here is intended to answer frequently asked questions from *pro se* debtors (debtors without attorney representation) and creditors, and is not to be interpreted as legal advice. The information is subject to change without notice.

Filing for Bankruptcy Without an Attorney

A person who files for bankruptcy without the representation of an attorney is a *pro se* debtor. Only individuals (which includes married couples) are eligible to file a *pro se* case. Other debtors, including, but not limited to corporations, partnerships, municipalities and those entities who wish to file a Chapter 9 or Chapter 15 case must retain an attorney.

Pro se debtors must comply with the [Bankruptcy Code \(Title 11, U. S. Code\)](#), the [Federal Rules of Bankruptcy Procedure \(Fed. R. Bankr. P.\)](#) and the [Local Rules for the U.S. Bankruptcy Court for the Eastern District of Virginia](#). Failure to do so may result in dismissal of the case.

Individual debtors are required to obtain credit counseling from an approved provider within 180 days before filing a case and to file a certificate of credit counseling and a debt repayment plan, if any, furnished by the provider, pursuant to [11 U.S.C. Section 109](#). Pursuant to [11 U.S.C. Section 109](#), the above requirements shall not apply if the debtor(s) certifies that exigent circumstances exist that merit a temporary 30 day waiver of the above requirements and that the debtor requested, but was unable to obtain the credit counseling services, from an approved non-profit budget and credit counseling agency, during the seven day period beginning on the date on which the request was made; and, the certification is satisfactory to the court. **WARNING:** Failure to complete the credit counseling prior to the filing of the petition (and no earlier than 180 days prior to the filing), or, in the alternative, failure to meet the requirements for an exemption from the requirement (pursuant to [11 U.S.C. Section 109](#)) or an extension to complete the credit counseling, will result in the dismissal of the case pursuant to Local Bankruptcy Rule 1007-1. Things to bear in mind:

- Credit counseling may be conducted on a computer. If you do not have a computer, the public library may allow use of its computers. Credit counseling may also be obtained in person or by telephone.
- Be sure that you take the counseling from a U.S. Trustee-approved credit counseling agency; make it clear to the agency that you need the counseling for the purpose of filing a bankruptcy case.
- Ask the credit counseling agency to provide you with a certificate of credit counseling, as well as a copy of any debt repayment plan developed through the agency. You will need to file these documents in your bankruptcy case (see [11 U.S.C. Section 521](#)).
- Be sure that the certificate you receive reflects that you received the credit counseling within 180 days prior to filing your petition. Credit counseling received greater than 180 days prior to filing your petition will not satisfy the statutory requirement.
- Debtor education, obtained from an approved debtor education provider, is not the same thing as pre-petition credit counseling, and does not satisfy the requirement of [11 U.S.C. Section 109](#).

These additional resources are recommended for review prior to filing:

- Filing Requirements for Chapters 7, 11, 12 and 13, available from the Court's web site, at <http://www.vaeb.uscourts.gov>, under Filing Requirements.
- [Filing for Bankruptcy Without an Attorney](#) – United States Courts web page, containing general information regarding credit counseling, legal services, foreclosure and petition preparers
- [Bankruptcy Basics](#) – United States Courts web page, containing general information about bankruptcy laws and the bankruptcy process
- [United States Courts Bankruptcy Forms](#) - Official and Director's Forms required for filing bankruptcy, which may be completed online and printed or downloaded to your computer
- [Bankruptcy Resources](#) – United States Courts web page, containing information regarding bankruptcy fees, fee waiver, credit counseling agencies and debtor education providers, and means testing

- [Before You File for Personal Bankruptcy: Information About Credit Counseling and Debtor Education](#) – Federal Trade Commission web page containing general information regarding credit counseling and debtor education
 - [Credit Counseling and Debtor Education Information](#) – U.S. Department of Justice web page, containing general information for both credit counseling and debtor education for consumers. Locate an approved credit counseling agency through this site
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Creditor and Other Non-Debtor Parties Proceeding Without an Attorney

Creditors and other non-debtor parties should be aware of the following points regarding proceeding *pro se*:

Right of A Creditor Who is an Individual to Appear and Participate in Case and to File

Pleadings/Documents

- A creditor who is an individual may pursue any matter *pro se*. Although many creditors are able to successfully proceed *pro se*, with respect to some of the more routine aspects of a bankruptcy case (ex.: filing a proof of claim), you may wish to consult with an attorney before proceeding, in order to make sure that you are proceeding properly.

Filing of Papers by Corporations and Partnerships – Corporations and partnerships generally may not file pleadings/documents *pro se*, in a bankruptcy case, and, with certain exceptions, will need to obtain representation by an attorney to file any pleadings/documents. However, any creditor, including a corporation or a partnership, through a non-attorney representative (ex.: member, officer, or employee) may file any document *pro se* that would not constitute the practice of law, including the following documents, or amended version thereof:

- A Request for Notice/Service, under Fed. R. Bankr. P. 2002
- A Proof of Claim or Amended Proof of Claim (Official Form 410)
- A Notice of Mortgage Payment Change
- A Notice of Post-petition Mortgage Fees, Expenses and Charges
- A Response to Notice of Final Cure Payment Rule
- A Transfer of Claim Other Than for Security (Official Form 2100A)
- A Reaffirmation Agreement and proposed Order regarding that Agreement
- A Withdrawal
- A Withdrawal of Claim

Participation by Corporations and Partnerships at the Meeting of Creditors – The meeting of creditors is the initial meeting at which the debtor must appear and submit to an examination, under oath, under [11 U.S.C. Section 343](#).

- Under [11 U. S. C. Section 341](#), and notwithstanding any other statute, rule or state constitution provision to the contrary, a creditor (including a corporation or partnership), or representative of such creditor, holding a claim arising from a consumer debt, must be permitted to appear at and participate in the meeting of creditors in a case under Chapter 7 or Chapter 13 of the Bankruptcy Code.

Inability of Corporations and Partnerships to File Pleadings/Documents and Appear Pro Se in a Proceeding Brought By or Against It

- A corporation or partnership may not commence a proceeding *pro se* or appear in a proceeding commenced by it *pro se*. For example, a corporation may not file a motion for relief from the automatic stay, *pro se*.
- A corporation or partnership may not appear *pro se* to defend against a proceeding brought against it in a case. This includes both filing pleadings/documents and representing itself without an attorney at any hearing. For example, it may not appear *pro se* to defend against an objection to its proof of claim (however, it could file an amended proof of claim *pro se*, to resolve the objection, as such filing is not considered a prohibited *pro se* appearance).
- Although a corporation or partnership may not file pleadings/documents *pro se* in a proceeding brought against it, or appear *pro se* at any hearing, it may, without an attorney, contact the attorney of the opposing party, to discuss a settlement of the matter. The Court, however, encourages corporations and partnerships to consult with competent legal counsel if in need of legal advice.

Chapter 7 – “Liquidation”

Chapter 7 is the chapter of the Bankruptcy Code which provides for liquidation of the debtor’s assets, which is the sale of the debtor’s non-exempt property and the distribution of the proceeds to creditors.

Chapter 7 Filing Fee

The filing fee for a Chapter 7 case is identified on the fee schedule at ([link](#)).

If an individual debtor is unable to submit the full filing fee at the time of filing, the debtor may request to pay the fee in installments. A completed **Application to Pay Filing Fee in Installments – EDVA** must be filed with the petition and approved by the court. The form is available on the Court’s web site, at <http://www.vaeb.uscourts.gov>, under Forms – Bankruptcy Forms. The initial installment payment is required at the time of filing.

If an individual debtor is unable to pay the filing fee either in full or in installments, the Court may “waive” the filing fee, as provided in 28 U.S.C. Section 1930, and as further provided if the debtor meets certain requirements. An **Application to Have the Chapter 7 Filing Fee Waived (Official Form 103B)**, must be filed with the petition. The form is available on the Court’s web site, at <http://www.vaeb.uscourts.gov>, under Forms – Bankruptcy Forms. By statute, the Court must first make a determination that the individual debtor “has income less than 150% of the official poverty line applicable to a family of the size involved, and is unable to pay the fee in installments.” If the case is a joint case, both debtors must provide the requested information, sign and date the application.

Acceptable forms of payment of the filing fee are money order, cashier’s check, non-debtor personal check, and credit card/internet credit card (where the debtor is represented by an attorney). Personal checks from the debtor, two-party checks and post-dated checks are not accepted. Payment made by cashier’s check or money order must be made payable to: Clerk, U. S. Bankruptcy Court.

Note: Cash is not accepted.

Credit Counseling & Debtor Education

All individual debtors who file a Chapter 7 bankruptcy are required to obtain credit counseling from an approved provider within 180 days before filing for bankruptcy relief, pursuant to 11 U.S.C. Section 109. A certificate of credit counseling and debt repayment plan, if any, (as required by 11 U.S.C. Section 521) from the approved provider must be filed with the petition. Pursuant to Local Bankruptcy Rule 1007-1, if these documents are not filed with the petition, the Clerk shall enter an order dismissing the case, unless the same are filed not later than three days after the filing of the petition. If the debtor has received the credit counseling, but does not have the required certificate, he/she must file the required documents within 14 days of the order for relief, or the Clerk shall enter an order of dismissal, pursuant to Local Bankruptcy Rule 1007-1. The debtor may certify, pursuant to 11 U.S.C. Section 109, exigent circumstances that merit a temporary 30 day waiver of this requirement, stating that the debtor requested the credit counseling, but was unable to obtain the services during the seven-day period beginning on the date on which the debtor made that request. The certification must be satisfactory to the Court. Pursuant to 11 U.S.C. Section 109, the requirement to obtain credit counseling shall not apply if, after notice and hearing, the court determines that the debtor is unable to complete the requirements due to incapacity, disability or active military duty in a military combat zone. A list of approved providers is available from the Court’s web site, at <http://www.vaeb.uscourts.gov>, under General Information, US Trustee Program, Approved List of Credit Counseling Agencies.

Individual debtors are also required to complete an instructional course in personal financial management from an approved provider after filing bankruptcy, pursuant to Fed. R. Bankr. P. 1007. The debtor must file with the court a statement of completion of the course, either as provided by the provider or prepared as prescribed by **Official Form 423**, which may be accessed through the Court’s web site, at <http://www.vaeb.uscourts.gov>, under Forms – Bankruptcy Forms. The certificate must be filed within sixty (60) days of the date first set for the 341 Meeting of Creditors. Failure to file the certificate will result in the closing of the case without entry of a discharge. A list of approved providers is available from the Court’s web site, at <http://www.vaeb.uscourts.gov>, under General Information, US Trustee Program, Approved List of Personal Financial Management Providers.

Chapter 7 Filing Requirements

- **Voluntary Petition**
- **Your Statement About Your Social Security Numbers** – *Individual only* – this form is retained by the attorney for the debtor(s), is not filed unless the debtor is filing *pro se*, and is not available for public viewing.
- **Corporate Resolution** – *Corporation only* - Local Bankruptcy Rule 5005-1
- **Corporate Ownership Statement** – *Corporation only* – Fed. R. Bankr. P. 1007
- **Filing Fee** - The filing fee is to be paid in full at the time the petition is filed unless the debtor files, and the court approves, an Application for Individuals to Pay the Filing Fee in Installments or an **Application to Have the Chapter 7 Filing Fee Waived (Official Form 103B)**. An application to pay in installments or for waiver of the filing fee can be filed by individual debtors only (including married couples) and shall be filed at the time of the filing of the petition. Fed. R. Bankr. P. 1006. If the debtor is filing *pro se*, the fee must be paid with money order or cashier's check.
- **List of Creditors – Mailing Matrix** (in .txt format), together with Coversheet – if not filed electronically, via CM/ECF, must be submitted on computer diskette. If not filed with the petition, the Clerk will enter an order of dismissal unless filed within 3 days after the filing of the petition. Local Bankruptcy Rule 1007-1.
- **Statement of Financial Affairs** – Must be filed with the petition or within 14 days. 11 U.S.C. § 521 and Fed. R. Bankr. P. 1007.
- **Summary of Your Assets and Liabilities and Certain Statistical Information** – Must be filed with the petition or within fourteen (14) days. Fed. R. Bankr. P. 1007.
- **Schedules A through J** – Must be filed with the petition or within 14 days. 11 U.S.C. § 521 and Fed. R. Bankr. P. 1007.
- **Statement of Intention** – *Individual(s) only* - Must be filed with the petition or within 30 days or by the date set for the § 341 Meeting of Creditors, whichever is earlier. 11 U.S.C. §§ 362 and 521.
- **Chapter 7 Statement of Your Current Monthly Income (Form 122A-1)** – *Individual(s) only* – Must be filed with the petition or within 14 days. Fed. R. Bankr. P. 1007.
- **Disclosure of Compensation of Bankruptcy Petition Preparer (Official Form 2800)**, if applicable – Must be filed with the petition if the bankruptcy petition is prepared by someone other than the debtor(s). 11 U.S.C. § 110.
- **Bankruptcy Petition Preparer's Notice, Declaration, and Signature (Official Form 119)** – Must be filed with the petition if the bankruptcy petition is prepared by someone other than the debtor(s). 11 U.S.C. § 110.
- **Attorney's Disclosure of Compensation (Official Form 2030)**, if applicable - Must be filed within 14 days or other date set by the court. 11 U.S.C. § 329 and Fed. R. Bankr. P. 2016.
- Copies of **Payment Advices** (ex.: earnings statements, pay stubs, etc.) or other evidence of payment received by the debtor within 60 days before the filing of the petition. – *Individual only* – Must be submitted to the trustee, and any creditor who requests copies, at least seven days before the meeting of creditors conducted pursuant to 11 U.S.C. Section 341. Local Bankruptcy Rule 1007-1.
- Copy of the **Federal Income Tax Return** for the most recent tax year ending immediately before the commencement of the case – Must be submitted to the trustee, and any creditor who timely requests a copy, at least seven days before the date first set for the meeting of creditors. 11 U.S.C. Section 521.

NOTE:

- Corporations and Partnerships must be represented by an attorney in filing bankruptcy
- A daytime telephone number for the debtor(s) must be provided to the Clerk's Office, at the time of filing
- Failure to comply with the filing requirements, or missing deadlines, may result in the dismissal of the case, and the loss of bankruptcy protection

Notice of Possible Dismissal

If a debtor fails to file the required documents at the time of the filing of the petition, as set out in the section [Chapter 7 Filing Requirements](#), the appropriate notice of deficiency is completed and forwarded to the *pro se*

debtor or, where the debtor is represented by an attorney, to counsel for the debtor. The notice of deficiency provides a notice that the case will be dismissed if the required document(s) is/are not filed within the required time period, as set out in the notice.

Meeting of Creditors

After the filing of the petition, a Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors, & Deadlines is mailed to the debtor(s) and the creditors of the debtor(s). The notice advises the debtor(s) and creditors of the date, time and location of the 341 Meeting of Creditors (the 341 Meeting of Creditors is held at the Office of the U.S. Trustee), the name, address and telephone number of the trustee assigned to the case, and certain deadlines set in the case. The notice provides a warning to the debtor(s) that the case may be dismissed for failure to appear at the 341 Meeting of Creditors. Please read the notice carefully.

Debtor(s) must present a photo identification at the 341 Meeting, as well as verification of his/her Social Security Number, pursuant to 11 U.S.C. Section 521. Pursuant to 11 U.S.C. Section 343, the debtor shall appear and submit to examination, under oath at the meeting.

General Information

- **Official Forms & Petition Preparation** – The Clerk’s Office of the U. S. Bankruptcy Court does not supply the official forms required for filing bankruptcy. They may be purchased at an office supply store, or may be downloaded from the Court’s web site, at <http://www.vaeb.uscourts.gov>, under Forms, Bankruptcy Forms. If someone other than an attorney assists you in the preparation of the bankruptcy forms, the petition preparer must provide you with the **Official Form 119, Bankruptcy Petition Preparer’s Notice, Declaration, and Signature Petition Preparer**, and you must attach it to your bankruptcy petition. 11 U.S.C. Section 110.
- **Social Security Number** – Individuals filing bankruptcy place only the last four digits of their Social Security Number or Taxpayer-Identification Number on the bankruptcy petition. Individuals are required to submit, with the bankruptcy petition, a separate **Your Statement About Your Social Security Numbers, Official Form 121**, in which the full Social Security Number or Taxpayer-Identification Number is given. If the debtor is *pro se*, the original of the statement must be provided to the Court; if the debtor is represented by an attorney, the attorney retains the original of the statement. In both instances, the statement is not a part of the public record, and is not viewable by the public. Official Form 121 may be accessed through the Court’s web site, at <http://www.vaeb.uscourts.gov>, under Forms, Bankruptcy Forms.
- **Protection of Personal Information** - Any schedule or supporting document filed with the court should **not** include: 1) the names of minor children – use only initials; 2) birthdates – use only the year of birth; and 3) financial account numbers – use only the last four digits.
- **Legal Advice & Resources** – The Clerk’s Office of the U. S. Bankruptcy Court is neither permitted to provide legal advice nor to assist in the preparation of the petition, schedules or other documents. The local library contains law books that may be of assistance. The Local Bankruptcy Rules for the U.S. Bankruptcy Court for the Eastern District of Virginia, and information on the various chapters in bankruptcy, are available in the Clerk’s Office. The local bankruptcy rules, forms and instructions are also available on the Court’s web site, at <http://www.vaeb.uscourts.gov>, under Court Resources, Local Rules; and Forms, Bankruptcy Forms, respectively.
- **Appropriate Courtroom Attire & Conduct** – All persons present in a courtroom where a trial, hearing, or other proceeding is in progress must dress and conduct themselves in a manner demonstrating respect for the court. Traditional business attire is considered appropriate. Jeans, shorts, and t-shirts are **not** appropriate.
- **Retaining Your Records** – It is advisable to keep copies of your petition, schedules, Discharge of Debtor, and if applicable, your Order of Dismissal. You may wish to obtain copies of other pertinent documents.
- **Credit Rating & Reports** – The Clerk’s Office of the U. S. Bankruptcy Court is not responsible for credit reports or the information reported by credit bureaus. Bankruptcy records are public records and the information contained in them can be retrieved by anyone. Additionally, the Fair Credit Reporting Act allows credit bureaus to keep a bankruptcy on your credit record for up to 10 years from the date of discharge (not the date of filing of the case). Any disputes that you may have with a credit agency must be solved by you and that agency.

Chapter 11 – “Reorganization”

A Chapter 11 case provides the opportunity to reorganize or readjust debts through a plan, to allow the debtor to remain in business and to pay creditors over time. Chapter 11 is typically used to reorganize a business, which may be a corporation, sole proprietorship, or partnership. Individuals may also seek relief under Chapter 11.

Chapter 11 Filing Fee

The filing fee for a Chapter 11 case is identified on the fee schedule at [\(link\)](#).

If an individual debtor is unable to submit the full filing fee at the time of filing, the debtor may request to pay the fee in installments. A completed **Application to Pay Filing Fee in Installments – EDVA** must be filed with the petition and approved by the court. The form is available on the Court’s web site, at <http://www.vaeb.uscourts.gov>, under Forms – Bankruptcy Forms. The initial installment payment is required at the time of filing.

Acceptable forms of payment of the filing fee are money order, cashier’s check, non-debtor personal check, and credit card/internet credit card (where the debtor is represented by an attorney). Personal checks from the debtor, two-party checks and post-dated checks are not accepted. Payment made by cashier’s check or money order must be made payable to: Clerk, U. S. Bankruptcy Court.

Note: Cash is not accepted.

Credit Counseling and Debtor Education

All individual debtors who file a Chapter 11 bankruptcy are required to obtain credit counseling from an approved provider within 180 days before filing for bankruptcy relief, pursuant to 11 U.S.C. Section 109. A certificate of credit counseling and debt repayment plan, if any (as required by 11 U.S.C. Section 521) from the approved provider must be filed with the petition. Pursuant to Local Bankruptcy Rule 1007-1, if these documents are not filed with the petition, the Clerk shall enter an order dismissing the case, unless the same are filed not later than three days after the filing of the petition. If the debtor has received the credit counseling, but does not have the required certificate, he/she must file the required documents within 14 days of the order for relief, or the Clerk shall enter an order of dismissal, pursuant to Local Bankruptcy Rule 1007-1. The debtor may certify, pursuant to 11 U.S.C. Section 109, exigent circumstances that merit a temporary 30 day waiver of this requirement, stating that the debtor requested the credit counseling, but was unable to obtain the services during the seven-day period beginning on the date on which the debtor made that request. The certification must be satisfactory to the Court. Pursuant to 11 U.S.C. Section 109, the requirement to obtain credit counseling shall not apply, if after notice and hearing, the court determines that the debtor is unable to complete the requirements due to incapacity, disability or active military duty in a military combat zone. A list of approved providers is available from the Court’s web site, at <http://www.vaeb.uscourts.gov>, under General Information, US Trustee Program, Approved List of Credit Counseling Agencies.

Individual debtors, in a Chapter 11 case where 11 U.S.C. Section 1141(d)(3) applies, are also required to complete an instructional course in personal financial management from an approved provider after filing bankruptcy, pursuant to Fed. R. Bankr. P. 1007. The debtor must file with the court a statement of completion of the course, either as provided by the provider or prepared as prescribed by **Official Form 423**, which may be accessed through the Court’s web site, at <http://www.vaeb.uscourts.gov>, under Forms – Bankruptcy Forms. The certificate must be filed within 60 days of the date first set for the 341

Meeting of Creditors. Failure to file the certificate will result in the closing of the case without entry of a discharge. A list of approved providers is available from the Court’s web site, at <http://www.vaeb.uscourts.gov>, under General Information, US Trustee Program, Approved List of Personal Financial Management Providers.

Chapter 11 Filing Requirements

- **Voluntary Petition**
- **Your Statement About Your Social Security Numbers** – *Individual only* – this form is not filed unless the debtor is filing *pro se*, or, if the debtor is represented by an attorney, an amended statement is necessary. It is not part of the public record and is not available for public viewing.
- **Corporate Resolution** – *Corporation only* – Local Bankruptcy Rule 5005-1
- **Corporate Ownership Statement** – *Corporation only* – Fed. R. Bankr. P. 1007
- **Filing Fee** - The filing fee is to be paid in full at the time the petition is filed unless the debtor files, and the court approves, an Application for Individuals to Pay the Filing Fee in Installments (Official Form 103A). An application to pay in installments can be filed by individual debtors only (including married couples) and shall be filed at the time of the filing of the petition. Fed. R. Bankr. P. 1006. If the debtor is filing *pro se*, the fee must be paid with money order or cashier's check.
- **List of Creditors – Mailing Matrix** (in .txt format), together with Coversheet – if not filed electronically, via CM/ECF, must be submitted on computer diskette. If not filed with the petition, the Clerk will enter an order of dismissal unless filed within 3 days after the filing of the petition. Local Bankruptcy Rule 1007-1.
- **List of Creditors Holding 20 Largest Unsecured Claims** – Fed. R. Bankr. P. 1007. Must be filed with the petition or within three (3) days of the filing of the petition.
- **Statement of Financial Affairs** – Must be filed with the petition or within 14 days. 11 U.S.C. § 521 and Fed. R. Bankr. P. 1007.
- **Summary of Your Assets and Liabilities and Certain Statistical Information** – Must be filed with the petition or within 14 days. Fed. R. Bankr. P. 1007.
- **Schedules A through J** – Must be filed with the petition or within 14 days. 11 U.S.C. § 521 and Fed. R. Bankr. P. 1007.
- **List of Equity Security Holders** – Must be filed with the petition or within 14 days. Fed. R. Bankr. P. 1007.
- **Chapter 11 Statement of Your Current Monthly Income (Official Form 122 B)** – Must be filed with the petition or within 14 days. Fed. R. Bankr. P. 1007. - *Individual(s) only*
- **Disclosure of Compensation of Bankruptcy Petition Preparer (Official Form 2800)**, if applicable – Must be filed with the petition if the bankruptcy petition is prepared by someone other than the debtor(s). 11 U.S.C. § 110.
- **Bankruptcy Petition Preparer's Notice, Declaration, and Signature (Official Form 119)** – Must be filed with the petition if the bankruptcy petition is prepared by someone other than the debtor(s). 11 U.S.C. § 110.
- **Attorney's Disclosure of Compensation**, if applicable - Must be filed within 14 days or other date set by the court. 11 U.S.C. § 329 and Fed. R. Bankr. P. 2016.
- Small Business: **Balance Sheet, Statement of Operations, Cash-Flow Statement and Income Tax Return** (or a statement, under penalty of perjury, that no Balance Sheet, Statement of Operations or Cash-Flow Statement has been prepared and no Federal Tax Return has been filed) – Must be filed with the petition or, in an involuntary case, within seven days after the date of the order for relief. 11 U.S.C. Section 1116.

NOTE:

- Corporations and Partnerships must be represented by an attorney in filing bankruptcy
- A daytime telephone number for the debtor(s) must be provided to the Clerk's Office, at the time of filing
- Failure to comply with the filing requirements, or missing deadlines, may result in the dismissal of the case, and the loss of bankruptcy protection

Notice of Possible Dismissal

If a debtor fails to file the required documents at the time of the filing of the petition, as set out in the section [Chapter 11 Filing Requirements](#), the appropriate notice of deficiency is completed and forwarded to the *pro se* debtor or, where the debtor is represented by an attorney, to counsel for the debtor. The notice of deficiency provides a notice that the case will be dismissed if the required document(s) is/are not filed within the required time period, as set out in the notice.

Meeting of Creditors

After the filing of the petition, a Notice of Chapter 11 Bankruptcy Case, Meeting of Creditors, & Deadlines is mailed to the debtor(s) and the creditors of the debtor(s). The notice advises the debtor(s) and creditors of the date, time and location of the 341 Meeting of Creditors (the 341 Meeting of Creditors is held at the Office of the U.S. Trustee), and certain deadlines set in the case. The notice provides a warning to the debtor(s) that the case may be dismissed for failure to appear at the 341 Meeting of Creditors. Please read the notice carefully.

Debtor(s) must present a photo identification at the 341 Meeting, as well as verification of his/her Social Security Number, pursuant to 11 U.S.C. Section 521. Pursuant to 11 U.S.C. Section 343, the debtor shall appear and submit to examination, under oath at the meeting.

General Information

- **Official Forms & Petition Preparation** – The Clerk’s Office of the U. S. Bankruptcy Court does not supply the official forms required for filing bankruptcy. They may be purchased at an office supply store, or may be downloaded from the Court’s web site, at <http://www.vaeb.uscourts.gov>, under Forms, Bankruptcy Forms. If someone other than an attorney assists you in the preparation of the bankruptcy forms, the petition preparer must sign the petition and provide you with the notice contained in **Official Form 119**, Bankruptcy Petition Preparer’s Notice, Declaration and Signature. 11 U.S.C. Section 110.
- **Social Security Number** – Individuals filing bankruptcy place only the last four digits of their Social Security Number or Taxpayer-Identification Number on the bankruptcy petition. Individuals are required to submit, with the bankruptcy petition, a separate **Your Statement About Your Social Security Numbers, Official Form 121**, in which the full Social Security Number or Taxpayer-Identification Number is given. If the debtor is *pro se*, the original of the statement must be provided to the Court; if the debtor is represented by an attorney, the attorney retains the original of the statement. In both instances, the statement is not a part of the public record, and is not viewable by the public. **Official Form 121** may be accessed through the Court’s web site, at <http://www.vaeb.uscourts.gov>, under Forms, Bankruptcy Forms.
- **Protection of Personal Information** - Any schedule or supporting document filed with the court should **not** include: 1) the names of minor children – use only initials; 2) birthdates – use only the year of birth; and 3) financial account numbers – use only the last four digits.
- **Legal Advice & Resources** – The Clerk’s Office of the U. S. Bankruptcy Court is neither permitted to provide legal advice nor to assist in the preparation of the petition, schedules or other documents. The local library contains law books that may be of assistance. The Local Bankruptcy Rules for the U.S. Bankruptcy Court for the Eastern District of Virginia, and information on the various chapters in bankruptcy, are available in the Clerk’s Office. The local bankruptcy rules, forms and instructions are also available on the Court’s web site, at <http://www.vaeb.uscourts.gov>, under Court Resources, Local Rules; and Forms, Bankruptcy Forms, respectively.
- **Appropriate Courtroom Attire & Conduct** – All persons present in a courtroom where a trial, hearing, or other proceeding is in progress must dress and conduct themselves in a manner demonstrating respect for the court. Traditional business attire is considered appropriate. Jeans, shorts, and t-shirts are **not** appropriate.
- **Retaining Your Records** – It is advisable to keep copies of your petition, schedules, Discharge of Debtor, and if applicable, your Order of Dismissal. You may wish to obtain copies of other pertinent documents.
- **Credit Rating & Reports** – The Clerk’s Office of the U. S. Bankruptcy Court is not responsible for credit reports or the information reported by credit bureaus. Bankruptcy records are public records and the information contained in them can be retrieved by anyone. Additionally, the Fair Credit Reporting Act allows credit bureaus to keep a bankruptcy on your credit record for up to 10 years from the date of discharge (not the date of filing of the case). Any disputes that you may have with a credit agency must be solved by you and that agency.

Chapter 12 – “Family Farmer or Fisherman”

A family farmer or fisherman may be a debtor under Chapter 12. A Chapter 12 case provides the opportunity to restructure debts through a payment plan, which normally lasts three years. With court approval, a plan may last up to five years. The Chapter 12 Trustee receives all funds that are paid through the plan and pays creditors from these funds.

Chapter 12 Filing Fee

The filing fee for a Chapter 12 case is identified on the fee schedule at ([link](#)).

If an individual debtor is unable to submit the full filing fee at the time of filing, the debtor may request to pay the fee in installments. A completed **Application to Pay Filing Fee in Installments – EDVA** must be filed with the petition and approved by the court. The form is available on the Court’s web site under Forms – Bankruptcy Forms. The initial installment payment is required at the time of filing.

Acceptable forms of payment of the filing fee are money order, cashier’s check, non-debtor personal check, and credit card/internet credit card (where the debtor is represented by an attorney). Personal checks from the debtor, two-party checks and post-dated checks are not accepted. Payment made by cashier’s check or money order must be made payable to: Clerk, U. S. Bankruptcy Court.

Note: Cash is not accepted.

Credit Counseling

All individual debtors who file a Chapter 12 bankruptcy are required to obtain credit counseling from an approved provider within 180 days before filing for bankruptcy relief, pursuant to 11 U.S.C. Section 109. A certificate of credit counseling and debt repayment plan, if any, (as required by 11 U.S.C. Section 521) from the approved provider must be filed with the petition. Pursuant to Local Bankruptcy Rule 1007-1, if these documents are not filed with the petition, the Clerk shall enter an order dismissing the case, unless the same are filed not later than three days after the filing of the petition. If the debtor has received the credit counseling, but does not have the required certificate, he/she must file the required documents within 14 days of the order for relief, or the Clerk shall enter an order of dismissal, pursuant to Local Bankruptcy Rule 1007-1. The debtor may certify, pursuant to 11 U.S.C. Section 109, exigent circumstances that merit a temporary 30 day waiver of the requirement, stating that the debtor requested the credit counseling, but was unable to obtain the services during the seven-day period beginning on the date on which the debtor made that request. The certification must be satisfactory to the Court. Pursuant to 11 U.S.C. Section 109, the requirement to obtain credit counseling shall not apply, if after notice and hearing, the court determines that the debtor is unable to complete the requirements due to incapacity, disability or active military duty in a military combat zone. A list of approved providers is available from the Court’s web site, at <http://www.vaeb.uscourts.gov>, under General Information, US Trustee Program, Approved List of Credit Counseling Agencies.

Chapter 12 Filing Requirements

- **Voluntary Petition**
- **Your Statement About Your Social Security Numbers (Official Form 121)** – *Individual only* – this form is retained by the attorney for the debtor(s), is not filed unless the debtor is filing *pro se*, and is not available for public viewing.

- **Filing Fee** - The filing fee is to be paid in full at the time the petition is filed unless the debtor files, and the court approves, an Application to Pay Filing Fee in Installments. An application to pay in installments may be filed by individual debtors only (including married couples) and shall be filed at the time of the filing of the petition. Fed. R. Bankr. P. 1006. If the debtor is filing *pro se*, the fee must be paid with money order or cashier's check.
- **List of Creditors – Mailing Matrix** (in .txt format), together with Coversheet – if not filed electronically, via CM/ECF, must be submitted on computer diskette. If not filed with the petition, the Clerk will enter an order of dismissal unless filed within three days after the filing of the petition. Local Bankruptcy Rule 1007-1.
- **Statement of Financial Affairs** – Must be filed with the petition or within 14 days. 11 U.S.C. § 521 and Fed. R. Bankr. P. 1007.
- **Summary of Your Assets and Liabilities and Certain Statistical Information** – Must be filed with the petition or within 14 days. Fed. R. Bankr. P. 1007.
- **Schedules A through J** – Must be filed with the petition or within 14 days. 11 U.S.C. § 521 and Fed. R. Bankr. P. 1007.
- **Chapter 12 Plan** – Must be filed within 90 days after the order for relief, except as otherwise provided by local bankruptcy rule. If neither a plan nor a motion to extend time to file a plan is filed within the 90 days, the Clerk shall enter an order dismissing the case. 11 U.S.C. Section 1221 and Local Bankruptcy Rule 3015-1.
- **Disclosure of Compensation of Bankruptcy Petition Preparer (Official Form 2800)**, if applicable – Must be filed with the petition if the bankruptcy petition is prepared by someone other than the debtor(s). 11 U.S.C. § 110.
- **Bankruptcy Petition Preparer's Notice, Declaration and Signature (Official Form 119)** – Must be filed with the petition if the bankruptcy petition is prepared by someone other than the debtor(s). 11 U.S.C. § 110.
- **Attorney's Disclosure of Compensation (Official Form 2030)**, if applicable - Must be filed within 14 days or other date set by the court. 11 U.S.C. § 329 and Fed. R. Bankr. P. 2016.
- Copies of **Payment Advices** (ex.: earnings statements, pay stubs, etc.) or other evidence of payment received by the debtor within 60 days before the filing of the petition. – *Individual only* – Must be submitted to the trustee, and any creditor who requests copies, at least seven days before the meeting of creditors conducted pursuant to 11 U.S.C. Section 341. Local Bankruptcy Rule 1007-1.
- Copy of the **Federal Income Tax Return** for the most recent tax year ending immediately before the commencement of the case – Must be submitted to the trustee, and any creditor who timely requests a copy, at least seven days before the date first set for the meeting of creditors. 11 U.S.C. Section 521.

NOTE:

- A daytime telephone number for the debtor(s) must be provided to the Clerk's Office, at the time of filing
- Failure to comply with the filing requirements, or missing deadlines, may result in the dismissal of the case, and the loss of bankruptcy protection
- Chapter 12 Plan payments must be mailed to the Chapter 12 Trustee assigned to the case.

Notice of Possible Dismissal

If a debtor fails to file the required documents at the time of the filing of the petition, as set out in the section [Chapter 12 Filing Requirements](#), the appropriate notice of deficiency is completed and forwarded to the *pro se* debtor or, where the debtor is represented by an attorney, to counsel for the debtor. The notice of deficiency provides a notice that the case will be dismissed if the required document(s) is/are not filed within the required time period, as set out in the notice.

Meeting of Creditors

After the filing of the petition, a Notice of Chapter 12 Bankruptcy Case, Meeting of Creditors, & Deadlines is mailed to the debtor(s) and the creditors of the debtor(s). The notice advises the debtor(s) and creditors of the date, time and location of the 341 Meeting of Creditors (the 341 Meeting of Creditors is held at the

Office of the U.S. Trustee), the name, address and telephone number of the trustee assigned to the case, and certain deadlines set in the case. The notice provides a warning to the debtor(s) that the case may be dismissed for failure to appear at the 341 Meeting of Creditors. Please read the notice carefully. Debtor(s) must present a photo identification at the 341 Meeting, as well as verification of his/her Social Security Number, pursuant to 11 U.S.C. Section 521. Pursuant to 11 U.S.C. Section 343, the debtor shall appear and submit to examination, under oath at the meeting.

General Information

- **Official Forms & Petition Preparation** – The Clerk’s Office of the U. S. Bankruptcy Court does not supply the official forms required for filing bankruptcy. They may be purchased at an office supply store, or may be downloaded from the Court’s web site, at <http://www.vaeb.uscourts.gov>, under Forms, Bankruptcy Forms. If someone other than an attorney assists you in the preparation of the bankruptcy forms, the petition preparer must sign the petition and provide you with the notice contained in **Official Form 119**, Bankruptcy Petition Preparer’s Notice, Declaration and Signature. 11 U.S.C. Section 110.
- **Social Security Number** – Individuals filing bankruptcy place only the last four digits of their Social Security Number or Taxpayer-Identification Number on the bankruptcy petition. Individuals are required to submit, with the bankruptcy petition, a separate **Your Statement About Your Social Security Numbers, Official Form 121**, in which the full Social Security Number or Taxpayer-Identification Number is given. If the debtor is *pro se*, the original of the statement must be provided to the Court; if the debtor is represented by an attorney, the attorney retains the original of the statement. In both instances, the statement is not a part of the public record, and is not viewable by the public. **Official Form 121** may be accessed through the Court’s web site, at <http://www.vaeb.uscourts.gov>, under Forms, Bankruptcy Forms.
- **Protection of Personal Information** - Any schedule or supporting document filed with the court should **not** include: 1) the names of minor children – use only initials; 2) birthdates – use only the year of birth; and 3) financial account numbers – use only the last four digits.
- **Legal Advice & Resources** – The Clerk’s Office of the U. S. Bankruptcy Court is neither permitted to provide legal advice nor to assist in the preparation of the petition, schedules or other documents. The local library contains law books that may be of assistance. The Local Bankruptcy Rules for the U.S. Bankruptcy Court for the Eastern District of Virginia, and information on the various chapters in bankruptcy, are available in the Clerk’s Office. The local bankruptcy rules, forms and instructions are also available on the Court’s web site, at <http://www.vaeb.uscourts.gov>, under Court Resources, Local Rules; and Forms, Bankruptcy Forms, respectively.
- **Appropriate Courtroom Attire & Conduct** – All persons present in a courtroom where a trial, hearing, or other proceeding is in progress must dress and conduct themselves in a manner demonstrating respect for the court. Traditional business attire is considered appropriate. Jeans, shorts, and t-shirts are **not** appropriate.
- **Retaining Your Records** – It is advisable to keep copies of your petition, schedules, Discharge of Debtor, and if applicable, your Order of Dismissal. You may wish to obtain copies of other pertinent documents.
- **Credit Rating & Reports** – The Clerk’s Office of the U. S. Bankruptcy Court is not responsible for credit reports or the information reported by credit bureaus. Bankruptcy records are public records and the information contained in them can be retrieved by anyone. Additionally, the Fair Credit Reporting Act allows credit bureaus to keep a bankruptcy on your credit record for up to ten (10) years from the date of discharge (not the date of filing of the case). Any disputes that you may have with a credit agency must be solved by you and that agency.

Chapter 13 – “Wage Earner Plan”

A Chapter 13 case provides the opportunity to restructure debts through a payment plan which normally lasts three years. With court approval, a plan may last up to five years. The Chapter 13 Trustee receives all funds paid into the plan and pays creditors from these funds.

Chapter 13 Filing Fee

The filing fee for a Chapter 13 case is identified on the fee schedule at ([link](#)).

If an individual debtor is unable to submit the full filing fee at the time of filing, the debtor may request to pay the fee in installments. A completed **Application to Pay Filing Fee in Installments – EDVA** must be filed with the petition and approved by the court. The form is available on the Court’s web site under Forms – Bankruptcy Forms. The initial installment payment is required at the time of filing.

Acceptable forms of payment of the filing fee are money order, cashier’s check, non-debtor personal check, and credit card/internet credit card (where the debtor is represented by an attorney). Personal checks from the debtor, two-party checks and post-dated checks are not accepted. Payment made by cashier’s check or money order must be made payable to: Clerk, U. S. Bankruptcy Court.

Note: Cash is not accepted.

Credit Counseling and Debtor Education

All individual debtors who file a Chapter 13 bankruptcy are required to obtain credit counseling from an approved provider within 180 days before filing for bankruptcy relief, pursuant to 11 U.S.C. Section 109. A certificate of credit counseling and debt repayment plan, if any, (as required by 11 U.S.C. Section 521) from the approved provider must be filed with the petition. Pursuant to Local Bankruptcy Rule 1007-1, if these documents are not filed with the petition, the Clerk shall enter an order dismissing the case, unless the same are filed not later than three days after the filing of the petition. If the debtor has received the credit counseling, but does not have the required certificate, he/she must file the required documents within 14 days of the order for relief, or the Clerk shall enter an order of dismissal, pursuant to Local Bankruptcy Rule 1007-1. The debtor may certify, pursuant to 11 U.S.C. Section 109, exigent circumstances that merit a temporary 30 day waiver of the requirement, stating that the debtor requested the credit counseling, but was unable to obtain the services during the seven-day period beginning on the date on which the debtor made that request. The certification must be satisfactory to the Court. Pursuant to 11 U.S.C. Section 109, the requirement to obtain credit counseling shall not apply, if after notice and hearing, the court determines that the debtor is unable to complete the requirements due to incapacity, disability or active military duty in a military combat zone. A list of approved providers is available from the Court’s web site, at <http://www.vaeb.uscourts.gov>, under General Information, US Trustee Program, Approved List of Credit Counseling Agencies.

Debtors are also required to complete an instructional course in personal financial management from an approved provider after filing bankruptcy, pursuant to Fed. R. Bankr. P. 1007. The debtor must file with the court a statement of completion of the course, either as provided by the provider or prepared as prescribed by **Official Form 423**, which may be accessed through the Court’s web site, at <http://www.vaeb.uscourts.gov>, under Forms – Bankruptcy Forms. The certificate must be filed within sixty (60) days of the date first set for the 341 Meeting of Creditors. Failure to file the certificate will result in the closing of the case without entry of a discharge. A list of approved providers is available from the Court’s web site, at <http://www.vaeb.uscourts.gov>, under General Information, US Trustee Program, Approved List of Personal Financial Management Providers.

Chapter 13 Filing Requirements

- **Voluntary Petition**
- **Your Statement About Your Social Security Numbers (Official Form 121)** – this form is retained by the attorney for the debtor(s), is not filed unless the debtor is filing *pro se*, and is not available for public viewing.
- **Filing Fee** - The filing fee is to be paid in full at the time the petition is filed unless the debtor files, and the court approves, an Application to Pay Filing Fee in Installments. An application to pay in installments can be filed by individual debtors only (including married couples) and shall be filed at the time of the filing of the petition. Fed. R. Bankr. P. 1006. If the debtor is filing *pro se*, the fee must be paid with money order or cashier's check.
- **List of Creditors – Mailing Matrix** (in .txt format), together with Coversheet – if not filed electronically, via CM/ECF, must be submitted on computer diskette. If not filed with the petition, the Clerk will enter an order of dismissal unless filed within three days after the filing of the petition. Local Bankruptcy Rule 1007-1.
- **Statement of Financial Affairs** – Must be filed with the petition or within 14 days. 11 U.S.C. § 521 and Fed. R. Bankr. P. 1007.
- **Summary of Your Assets and Liabilities and Certain Statistical Information** – Must be filed with the petition or within 14 days. Fed. R. Bankr. P. 1007.
- **Schedules A through J** – Must be filed with the petition or within 14 days. 11 U.S.C. § 521 and Fed. R. Bankr. P. 1007.
- **Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period (Form B122C-1)** – *Individual(s) only* – Must be filed with the petition or within 14 days. Fed. R. Bankr. P. 1007.
- **Chapter 13 Plan** and Special Notice to Secured Creditor (if applicable)- Must be filed with the petition or within 14 days. Fed. R. Bankr. P. 3015. Use only the Chapter 13 Plan form approved by the Court, available upon request from the Clerk's Office and on the Court's website under Forms, Bankruptcy Forms.
- **Disclosure of Compensation of Bankruptcy Petition Preparer (Official Form 2800)**, if applicable – Must be filed with the petition if the bankruptcy petition is prepared by someone other than the debtor(s). 11 U.S.C. § 110.
- **Bankruptcy Petition Preparer's Notice, Declaration, and Signature (Official Form 119)** – Must be filed with the petition if the bankruptcy petition is prepared by someone other than the debtor(s). 11 U.S.C. § 110.
- **Attorney's Disclosure of Compensation**, if applicable - Must be filed within 14 days or other date set by the court. 11 U.S.C. § 329 and Fed. R. Bankr. P. 2016.
- Copies of **Payment Advices** (ex.: earnings statements, pay stubs, etc.) or other evidence of payment received by the debtor within 60 days before the filing of the petition. – *Individual only* – Must be submitted to the trustee, and any creditor who requests copies, at least seven days before the meeting of creditors conducted pursuant to 11 U.S.C. Section 341. Local Bankruptcy Rule 1007-1.
- Copy of the **Federal Income Tax Return** for the most recent tax year ending immediately before the commencement of the case – Must be submitted to the trustee, and any creditor who timely requests a copy, at least seven days before the date first set for the meeting of creditors. 11 U.S.C. Section 521.

NOTE:

- A daytime telephone number for the debtor(s) must be provided to the Clerk's Office, at the time of filing.
- Failure to comply with the filing requirements, or missing deadlines, may result in the dismissal of the case, and the loss of bankruptcy protection.
- Chapter 13 Plan payments must be mailed to the Chapter 13 Trustee assigned to the case.

Notice of Possible Dismissal

If a debtor fails to file the required documents at the time of the filing of the petition, as set out in the section [Chapter 13 Filing Requirements](#), the appropriate notice of deficiency is completed and forwarded to the *pro se* debtor or, where the debtor is represented by an attorney, to counsel for the debtor. The notice of deficiency provides a notice that the case will be dismissed if the required document(s) is/are not filed within the required time period, as set out in the notice.

Meeting of Creditors

After the filing of the petition, a Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors, & Deadlines is mailed to the debtor(s) and the creditors of the debtor(s). The notice advises the debtor(s) and creditors of the date, time and location of the 341 Meeting of Creditors (the 341 Meeting of Creditors is held at the Office of the U.S. Trustee), the name, address and telephone number of the trustee assigned to the case, and certain deadlines set in the case. The notice provides a warning to the debtor(s) that the case may be dismissed for failure to appear at the 341 Meeting of Creditors. Please read the notice carefully.

Debtor(s) must present a photo identification at the 341 Meeting, as well as verification of his/her Social Security Number, pursuant to 11 U.S.C. Section 521. Pursuant to 11 U.S.C. Section 343, the debtor shall appear and submit to examination, under oath at the meeting.

General Information

- **Official Forms & Petition Preparation** – The Clerk’s Office of the U. S. Bankruptcy Court does not supply the official forms required for filing bankruptcy. They may be purchased at an office supply store, or may be downloaded from the Court’s web site, at <http://www.vaeb.uscourts.gov>, under Forms, Bankruptcy Forms. If someone other than an attorney assists you in the preparation of the bankruptcy forms, the petition preparer must provide you with the Bankruptcy Petition Preparer’s Notice, Declaration, and Signature (**Official Form 119**). 11 U.S.C. Section 110.
- **Social Security Number** – Individuals filing bankruptcy place only the last four digits of their Social Security Number or Taxpayer-Identification Number on the bankruptcy petition. Individuals are required to submit, with the bankruptcy petition, a separate form **Your Statement About Your Social Security Numbers, Official Form 121**, in which the full Social Security Number or Taxpayer-Identification Number is given. If the debtor is *pro se*, the original of the statement must be provided to the Court; if the debtor is represented by an attorney, the attorney retains the original of the statement. In both instances, the statement is not a part of the public record, and is not viewable by the public. **Official Form 121** may be accessed through the Court’s web site, at <http://www.vaeb.uscourts.gov>, under Forms, Bankruptcy Forms.
- **Protection of Personal Information** - Any schedule or supporting document filed with the court should **not** include: 1) the names of minor children – use only initials; 2) birthdates – use only the year of birth; and 3) financial account numbers – use only the last four digits.
- **Legal Advice & Resources** – The Clerk’s Office of the U. S. Bankruptcy Court is neither permitted to provide legal advice nor to assist in the preparation of the petition, schedules or other documents. The local library contains law books that may be of assistance. The Local Bankruptcy Rules for the U.S. Bankruptcy Court for the Eastern District of Virginia, and information on the various chapters in bankruptcy, are available in the Clerk’s Office. The local bankruptcy rules, forms and instructions are also available on the Court’s web site, at <http://www.vaeb.uscourts.gov>, under Court Resources, Local Rules; and Forms, Bankruptcy Forms, respectively.
- **Appropriate Courtroom Attire & Conduct** – All persons present in a courtroom where a trial, hearing, or other proceeding is in progress must dress and conduct themselves in a manner demonstrating respect for the court. Traditional business attire is considered appropriate. Jeans, shorts, and t-shirts are **not** appropriate.
- **Retaining Your Records** – It is advisable to keep copies of your petition, schedules, Discharge of Debtor, and if applicable, your Order of Dismissal. You may wish to obtain copies of other pertinent documents.
- **Credit Rating & Reports** – The Clerk’s Office of the U. S. Bankruptcy Court is not responsible for credit reports or the information reported by credit bureaus. Bankruptcy records are public records and the information contained in them can be retrieved by anyone. Additionally, the Fair Credit Reporting Act allows credit bureaus to keep a bankruptcy on your credit record for up to 10 years from the date of discharge (not the date of filing of the case). Any disputes that you may have with a credit agency must be solved by you and that agency.