



**READ THIS NOTICE:** Your case may be dismissed if you do not comply with certain statutory requirements and deadlines under applicable rules. Ask your attorney for explanations. Court personnel are not permitted to give you any legal advice.

1. **Schedules and Statements.** If you do not file all the required schedules and statements with your petition, your case may be dismissed if you do not file them within 14 days after the date the petition was filed. You may request an extension of the deadline by filing a motion (a form “Debtor's Motion to Extend Time to File Case Opening Documents” may be downloaded from the court's website: <http://www.hib.uscourts.gov>).
2. **Credit Counseling Certificate.** If you do not file a credit counseling certificate with your petition, your case may be dismissed if you do not file it within 14 days after the date your petition was filed. If you request a waiver or exemption from the requirement to obtain prebankruptcy credit counseling, your case may be dismissed if the court denies your request for the waiver or exemption. (Note: In addition to the prebankruptcy credit counseling, you must also complete a separate course in personal financial management – “debtor education” – see paragraph 8.)
3. **Payment Advices (Wage Statements, Pay Stubs, etc.).** Your case may be dismissed if you do not provide the trustee ALL payment advices or other evidence of payments from your employer for the 60–day period before you filed your petition. **Do not file these with the court.** All wage statements and pay stubs must be sent to the trustee not later than 7 days before the date of your meeting of creditors or 45 days after the date your petition was filed, whichever is earlier. Note: If you do not have wage statements or pay stubs for the entire 60–day period, explain why in the attached “Debtor's Statement Regarding Payment Advices, Tax Returns, and Domestic Support Obligations” and submit it to the Trustee (do not file this with the court).
4. **Tax Returns.** Your case may be dismissed if:
  - a. You do not provide the trustee (as well as any creditor who sends you a written request) a copy of the most recent federal tax return (or a transcript of that return) that you have filed with the Internal Revenue Service. The copy of the return must be sent at least 7 days before the meeting of creditors, or no later than 45 days after the date your petition was filed, whichever is earlier.
  - b. You have not filed, by the day before your meeting of creditors, all federal, state, and local tax returns due for the 4 years before this case. Any delinquent tax returns must be filed with the appropriate taxing authorities – do not file these with the court. Note: If you did not file a federal tax return, explain why in the attached “Debtor's Statement Regarding Payment Advices, Tax Returns, and Domestic Support Obligations” and submit to the Trustee (do not file this with the court).
  - c. Chapter 13 only: You do not file with the court, on request of the trustee or any party in interest, a copy of each federal tax return at the same time the return is filed with the IRS. This requirement applies to any tax returns which you file during the time your case is open and pending before the court.

5. **Meeting of Creditors (“341 Meeting”).** Your case may be dismissed if you fail to attend the “341” meeting of creditors (location, date, and time will be in the notice of bankruptcy case that will be mailed to you shortly after your petition is filed). Make sure to bring all the following to the meeting:
  - a. A government issued photo ID and evidence of your social security number. Common forms of identification include a driver's license, state identification card, military ID, legal resident alien card, or passport. Evidence of your social security number includes a social security card, current employer's health card, current wage statement, original Form W-2, Form 1099, or IRS – issued transcript of return (but not a copy of your tax return).
  - b. Evidence of current income such as your most recent payment advice (this is in addition to the payment advices for the 60 day period before bankruptcy sent to the trustee before the 341 meeting).
  - c. The most recent statements for each of your bank and investment accounts.
  - d. Documentation of monthly expenses claimed in calculating your current monthly income on Form B122A in a Chapter 7 case or Form B122C in a Chapter 13 case.
  - e. Documentation for the valuation of any real or personal property.
  - f. Any other information requested in advance by the Trustee.
6. **Domestic Support Obligations.** If you owe money to a spouse, former spouse, your child, your child's parent, legal guardian, or a governmental unit that is in the nature of alimony, maintenance or support under a separation or property settlement agreement, divorce decree, court order, or lawful determination made by a governmental unit, your case may be dismissed if:
  - a. You do not pay a domestic support obligation that becomes payable after the filing of this case; or
  - b. You do not provide the Trustee with the information about a domestic support obligation, your employer's name and address, and the name of each creditor that holds a claim that is not discharged or was reaffirmed, to enable the trustee to provide notice to the holder of the claim and, if applicable, the appropriate state child support enforcement agency. You must provide the information in the attached “Debtor's Statement Regarding Payment Advices, Tax Returns, and Domestic Support Obligations” and submit to the Trustee (do not file this with the court).
7. **Lawsuits in Other Courts.** If you are a party to any litigation in another federal or state court, you are required by Local Bankruptcy Rule 2072-1 to notify that court that you have filed a bankruptcy petition. Notice should be sent at the earliest possible date to the clerk of the court, all counsel of record and to any parties not represented by counsel. File a certificate of service with this court showing the parties served with such notice. The debtor is also obligated to notify the court and parties of the dismissal of the case, an order granting or denying discharge, and other orders affecting the resumption of the litigation or the proceeding.
8. **Debtor Education.** You must complete a course in personal financial management, commonly referred to as debtor education. This is different from the credit counseling you needed before you filed your bankruptcy petition. An approved agency must issue you a debtor education certificate upon completion of the course. The agency may file a copy of the certificate with the court. But if the agency does not file it, you or your attorney must file the certificate or a “Debtor's Certification of Completion of Postpetition Instructional Course Concerning Personal Financial Management (Debtor Education)” (Official Form 423). You do not need to file the debtor education certificate itself, but you must include the certificate number on the certification form. In a joint case, each spouse must file a debtor education certificate or certification form.

In a Chapter 7 case, the certification is due 60 days after the date set for the first meeting of creditors.

In a Chapter 13 case, the certification is due prior to completion of your plan payments to the Trustee.

If you do not file the certification before the respective deadline, your case will be closed without a discharge in bankruptcy and you will continue to be responsible for all your debts. If your case is closed and you later wish to file a certification with the court, you will need to file a motion to reopen your case and must pay a reopening fee (currently, \$260 in a Chapter 7 case or \$235 in a Chapter 13 case, but these amounts are subject to change).

**9. Incorrect Name or Social Security Number on Petition.** Errors in your name or social security number on the petition can seriously affect another person's credit record and can lead to errors in your own credit record. Any error must be corrected and both creditors and credit reporting agencies should be notified of the changes. If your name on the petition is incorrect, you must file an amended petition or Local Form H1009-3 (Debtor's Notice of Name Change) with the court. If the social security number is incorrect, please see Local Bankruptcy Rule 1009-2 and the information at the court's website.

**10. Prior Discharge in Bankruptcy.** If you have previously received a discharge in another bankruptcy case, you may not be eligible for a discharge in this case.

In a Chapter 7 case, you may not receive a discharge if you received a discharge in a prior Chapter 7 or Chapter 11 case filed within the last 8 years, or in a Chapter 13 case filed within the last 6 years. A motion to dismiss your chapter 7 case may be filed if you are ineligible for a discharge.

In a Chapter 13 case, you may not receive a discharge even if you complete all your plan payments if you previously received a discharge in a prior Chapter 13 case during the 2 years preceding this case or in a Chapter 7, 11, or 12 case during the 4 years preceding this case.

**11. Chapter 13 Only:**

- a. Plan Payments. Your case may be dismissed if you do not make your first plan payment to the Trustee within 30 days after filing your petition.
- b. Annually Update Income Statements. Your case may be dismissed if, each year until your case is closed, you do not file with the court a statement of your income and expenditures for the prior tax year, and a statement that shows how your income, expenditures and monthly income are calculated.

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The above list of responsibilities of a debtor is not exhaustive – there are many requirements under the Bankruptcy Code and Rules. Follow your attorney's advice. If you do not have an attorney, you should consider consulting one who is familiar with bankruptcy law and procedures.

Court Website: <http://www.hib.uscourts.gov>

(5/2019)

**Information to identify the case:**

Debtor 1 \_\_\_\_\_  
 Name

Debtor 2 \_\_\_\_\_  
 (Spouse, if filing) Name

**United States Bankruptcy Court  
 District of Hawaii**

Case number:  
 Chapter:

**Debtor's Statement Regarding Payment Advices, Tax Returns, and Domestic Support Obligations**

Do not file this with the court. Complete and mail to the trustee at least 7 days before for meeting with creditors. In a joint case, make a copy for the joint debtor to complete – each individual must submit this to the trustee.

- Payment Advices** (wage statements, pay stubs, etc.) are being submitted to trustee.
- I am not submitting payment advices received from my employer during the 60 days before the date I filed my bankruptcy petition because:
  - I was not employed during these dates:  
 from: \_\_\_\_\_ to \_\_\_\_\_.
  - I was employed but have not received any payment advices or other evidence of payment from my employer during the 60–day period before filing my petition.
  - I am self–employed and do not receive any evidence of payment from an employer.
  - Other reason *[Attach explanation if more space needed]*:
- Most Recent **Federal Income Tax Return or Transcript** is being submitted to trustee.
- I am **not** submitting my federal income tax return or transcript for the most recent tax year ending immediately before the date of filing of my bankruptcy petition because:
  - I had insufficient gross income to require the filing of a federal tax return for tax year: \_\_\_\_\_.  
 My income for that tax year was: \$\_\_\_\_\_.
  - Other reason *[Attach explanation if more space needed]*:
- I have **Domestic Support Obligations** (child support, alimony, divorce obligations, etc.).  
 If you do, provide the name and address of each individual or government payee here:

I declare under penalty of perjury that the foregoing information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Debtor

**BANKRUPTCY INFORMATION SHEET**

**BANKRUPTCY LAW IS A FEDERAL LAW. THIS SHEET PROVIDES YOU WITH GENERAL INFORMATION ABOUT WHAT HAPPENS IN A BANKRUPTCY CASE. THE INFORMATION HERE IS NOT COMPLETE. YOU MAY NEED LEGAL ADVICE.**

**WHEN YOU FILE BANKRUPTCY**

You can choose the kind of bankruptcy that best meets your needs (provided you meet certain qualifications):

Chapter 7 -- A trustee is appointed to take over -- your property. Any property of value will be sold or turned into money to pay your creditors. You may be able to keep some personal items and possibly real estate depending on the law of the State where you live and applicable federal laws.

Chapter 13 -- You can usually keep your property, but you must earn wages or have some other\_ source of regular income and you must agree to pay part of your income to your creditors. The court must approve your repayment plan and your budget. A trustee is appointed and will collect the payments from you, pay your creditors, and make sure you live up to the terms of your repayment plan.

Chapter 12 -- Like chapter 13, but it is only for family farmers and family fishermen.

Chapter 11 -- This is used mostly by businesses. In chapter 11, you may continue to operate your business, but your creditors and the court. must approve a plan to repay your debts. There is no trustee unless the judge decides that one is necessary; if a trustee is appointed, the trustee takes control of your business and property.

If you have already filed bankruptcy under chapter 7, you may be able to change your case to another chapter.

Your bankruptcy may be reported on your credit record for as long as ten years. It can affect your ability to receive credit in the future.

**WHAT IS A BANKRUPTCY DISCHARGE AND HOW DOES IT OPERATE?**

One of the reasons people file bankruptcy is to get a "discharge." A discharge is a court order which states that you do not have to pay most of your debts. Some debts cannot be discharged. For example, you cannot discharge debts for --

- most taxes;
- child support;
- alimony;
- most student loans;
- court fines and criminal restitution; and
- personal injury caused by driving drunk or under the influence of drugs.

The discharge only applies to debts that arose before the date you filed. Also, if the judge finds that you received money or property by fraud, that debt may not be discharged.

It is important to list all your property and debts in your bankruptcy schedules. If you do not list a debt, for example, it is possible the debt will not be discharged. The judge can also deny your discharge if you do something dishonest in connection with your bankruptcy case, such as destroy or hide property, falsify records, or lie, or if you disobey a court order.

You can only receive a chapter 7 discharge once every eight years. Other rules may apply if you previously received a discharge in a chapter 13 case. No one can make you pay a debt that has been discharged, but you can voluntarily pay any debt you wish to pay. You do not have to sign a reaffirmation agreement (see below) or any other kind of document to do this.

Some creditors hold a secured claim (for example, the bank that holds the mortgage on your house or the loan company that has a lien on your car). You do not have to pay a secured claim if the debt is discharged, but the creditor can still take the property.

### **WHAT IS A REAFFIRMATION AGREEMENT?**

Even if a debt can be discharged, you may have special reasons why you want to promise to pay it. For example, you may want to work out a plan with the bank to keep your car. To promise to pay that debt, you must sign and file a reaffirmation agreement with the court. Reaffirmation agreements are under special rules and are voluntary. They are not required by bankruptcy law or by any other law. Reaffirmation agreements –

- must be voluntary;
- must not place too heavy a burden on you or your family;
- must be in your best interest; and
- can be canceled anytime before the court issues your discharge or within 60 days after the agreement is filed with the court, whichever gives you the most time.

If you are an individual and you are not represented by an attorney, the court must hold a hearing to decide whether to approve the reaffirmation agreement. The agreement will not be legally binding until the court approves it.

If you reaffirm a debt and then fail to pay it, you owe the debt the same as though there was no bankruptcy. The debt will not be discharged and the creditor can take action to recover any property on which it has a lien or mortgage. The creditor can also take legal action to recover a judgment against you.

**IF YOU WANT MORE INFORMATION OR HAVE ANY QUESTIONS ABOUT HOW THE BANKRUPTCY LAWS AFFECT YOU, YOU MAY NEED LEGAL ADVICE. THE TRUSTEE IN YOUR CASE IS NOT RESPONSIBLE FOR GIVING YOU LEGAL ADVICE.**