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Bankruptcy Petition Preparer Guidelines

The following are guidelines concerning the conduct and compensation of bankruptcy petition preparers (as defined in section 110 of the Bankruptcy Code (11 U.S.C. §110)) who are not attorneys and who assist debtors in filing voluntary bankruptcy petitions (under Chapter 7, 11, 12 or 13), or in preparing any papers filed in connection with such cases in this court. These guidelines are issued pursuant to [B.L.R. 9029-1](#) [1].

1. The maximum allowable charge for a bankruptcy petition preparer's services is **\$150**, including any and all expenses such as photocopying, messenger or courier charges, postage, telephone, etc. This fee does not include the filing fee that must be paid to the clerk of the bankruptcy court; the debtor(s) is to make that payment directly to the court.

2. If any money has been paid or any property transferred by the debtor to the bankruptcy petition preparer within one year of the filing of the bankruptcy petition, the court's filing fees may not be paid in installments.

3. The bankruptcy petition preparer is not an attorney and is not authorized to practice law. Specifically, the bankruptcy petition preparer *may not* instruct or advise the debtor(s):
 - i. Whether to file a bankruptcy petition
 - ii. Under which chapter of the Bankruptcy Code to file the voluntary petition;
 - iii. How to respond to the bankruptcy forms required in connection with the filing of the bankruptcy case;
 - iv. What exemptions should be claimed;
 - v. Whether any particular debts are dischargeable or nondischargeable;
 - vi. The effect of a bankruptcy filing upon a foreclosure and whether the debtor(s) may keep a home.
 - vii. Whether the debtor(s) may avoid or eliminate any liens or recover any assets in connection with the bankruptcy case;
 - viii. Whether the debtor(s) may redeem property;
 - ix. Whether the debtor(s) may or should reaffirm any debts;
 - x. Whether the debtor(s) is entitled to a discharge under the Bankruptcy Code, and what defenses the debtor may have to an objection to discharge; and

xi. Concerning the tax consequences of any aspect of the bankruptcy case.

4. The bankruptcy petition preparer may type forms and file documents.

5. Upon application of the debtor(s), a creditor or any party-in-interest, including the United States Trustee, or on the court's own motion, fees of a bankruptcy petition preparer may be reduced below the amount allowed by these Guidelines. All fees may be forfeited where the bankruptcy petition preparer has acted incompetently or illegally, or has failed to comply with these Guidelines. In addition to liability for criminal penalties, all fees are subject to forfeiture, in any case where the bankruptcy petition preparer has violated any provision of Bankruptcy Code § 110.

6. Before preparing a bankruptcy petition, schedules and statements (or the first of any other paper if the bankruptcy petition preparer has not prepared the petition), and before accepting any money from the debtor(s), the bankruptcy petition preparer must allow the debtor(s) to read and sign a **Notice To Debtors About Bankruptcy Petition Preparers** [2] (in the form accompanying these Guidelines) and provide a copy thereof and a copy of these Guidelines to the debtor(s). The *original* of the Notice must be filed with the court along with the petition or the first paper prepared by the Bankruptcy Petition Preparer.

7. The court encourages debtors, trustees and others who believe a bankruptcy petition preparer has violated section 110 of the Bankruptcy Code (11 U.S.C. §110) to advise the United States Trustee of the violation.

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Links:

[1] <http://www.canb.uscourts.gov/rules/dist/bankruptcy-local-rules#9029-1>

[2] <http://www.canb.uscourts.gov/procedures/dist/guidelines/notice-debtors-about-bankruptcy-petition-preparers>