



CONSUMER BANKRUPTCY PROJECT (CBP) REMOTE INITIAL INTAKE PROCEDURES

- **INTRODUCE YOURSELF.** Explain that you are the volunteer working on client's case. All documents and communication shall be addressed to the Project after today's meeting.
- **CONFIRM CLIENT'S IDENTITY**
 - Have the client show you his/her ID via video. Once identity has been confirmed, you can continue intake.
- **GO OVER DOCUMENT CHECKLIST.** (See your document check list.)
 - The clients should have documents on hand to be able to provide you with information during the intake.
 - Complete the checklist. You will email this to CBP at the end of the intake. CBP will forward to the client with instructions on how to submit the documents requested.
- **EXPLAIN HOW THE CHAPTER 7 BANKRUPTCY WORKS**
 - **Overview –**
 - It is a liquidation of any or all of debtor's assets to pay off the creditors. However, some assets are exempt or protected.
 - In a Chapter 7 bankruptcy, the debtor can get a discharge of most of their consumer debts such as credit/store cards, medical bills, old utility bills, etc.
 - Some debts are non-dischargeable such as back taxes, student loans, child support or domestic obligations and other debts owed to the government, city or local agencies.
 - **\$338 Filing Fee** - Debtor has three options:
 - Pay in full at the time of filing
 - Pay in 4 monthly installments
 - Request a waiver of the filing fee through an application to the Bankruptcy Court at the time of filing.
 - In order to apply, the client's income must be at or below 150% of the poverty level (see the poverty level chart in the file).

- Waivers are not guaranteed and it is up to the Bankruptcy Court's discretion to either waive the filing or not.
 - Clients should have a plan B to pay the filing fee if the application for a waiver is denied by the Bankruptcy Court.
 - The bankruptcy project will assist client in submitting this application with the court at the time the bankruptcy case is filed.
- **Required Credit Counseling Courses** – The client must complete a pre-bankruptcy and a post-bankruptcy counseling course
- Pre-bankruptcy Credit Counseling Course
 - The Bankruptcy Code requires that a debtor complete a Credit Counseling course before the filing of the bankruptcy.
 - The fee for this course can range between \$15 and \$50, but the fee may be waived through the counseling agency.
 - The course is not conducted by the bankruptcy project. The course must be done with a private counseling agency that has been approved by the US Trustee's Office.
 - The course may be done over the phone or online. It takes about 30-45 minutes to complete.
 - The counselor will need information on the debtor's income, expenses and debts. If the counselor makes a determination that bankruptcy is the client's best option, a certificate of counseling is generated and sent to the CBP staff.
 - The CBP Staff will give the client instructions on completing this course closer to the time the papers are ready to be filed.
 - Post-bankruptcy Debtor Education Course
 - Similar to the credit counseling course, completion of the debtor education is required by the Bankruptcy.
 - This course is done after the filing of the bankruptcy.
 - The course costs between \$15 and \$50, will be done with a private credit counseling agency, and can be done over the phone or internet.
 - The course takes 2 hours to complete.
 - The Project staff will send instructions to the client on doing the course.
 - Failure to do this required course will result in a dismissal of the client's bankruptcy case and the debts will not be discharged.

□ **EXPLAIN HOW WE WILL ASSIST THE CLIENT**

- You will help prepare the client's bankruptcy papers by completing the initial intake questionnaire.
- You will also give the client the appropriate advice and consultation for the client to consider all bankruptcy rights and options as well as alternatives to filing bankruptcy, if any.
- CBP and its volunteers will not be representing the client in Court. The client will be appearing on "pro se" (on one's own).
- The CBP staff and volunteers will guide the client through the entire process of filing bankruptcy. The CBP staff will also prepare the client for the required meeting with the Bankruptcy Trustee, also known as a "First Meeting of Creditors" or "341 Meeting."
- The CBP and its volunteers participating do not charge a fee for these services.

□ **FILL OUT BANKRUPTCY CLIENT ONLINE QUESTIONNAIRE**

- Go to <https://www.mycaseinfo.com/Client/login.php>
 - Type in the client's username and password.
 - See attorney questionnaire guide for tips on using the intake form.
- Once the questionnaire has been completed, flag CBP staff to review it.
- Once CBP reviews and approves questionnaire, type your name(s) in the "Comments to Attorney" section at the bottom.
- Hit "Send to Attorney." Log off mycaseinfo.

□ **AFTER INTAKE WITH CLIENT**

- Email case summary and attach document checklist to CBP at bankruptcy@nycbar.org
- Advise client that the project will email them the list of documents to provide, instructions on how to submit these documents, and give them any other information necessary to proceed.