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# 11 U.S. Code § 521 - Debtor's duties

Current through Pub. L. 114-38 (<http://www.gpo.gov/fdsys/pkg/PLAW-114publ38/html/PLAW-114publ38.htm>).  
(See Public Laws for the current Congress (<http://thomas.loc.gov/home/LegislativeData.php?n=PublicLaws>).)

**US Code** ([/uscode/text/11/521?qt-us\\_code\\_temp\\_noupdates=0#qt-us\\_code\\_temp\\_noupdates](/uscode/text/11/521?qt-us_code_temp_noupdates=0#qt-us_code_temp_noupdates))

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**(a)** The debtor shall—

**(1)** file—

**(A)** a list of creditors; and

**(B)** unless the court orders otherwise—

**(i)** a schedule of assets and liabilities;

**(ii)** a schedule of current income and current expenditures;

**(iii)** a statement of the debtor's financial affairs and, if section 342(b) applies, a certificate—

**(I)** of an attorney whose name is indicated on the petition as the attorney for the debtor, or a bankruptcy petition preparer signing the petition under section 110(b) (1), indicating that such attorney or the bankruptcy petition preparer delivered to the debtor the notice required by section 342(b); or

**(II)** if no attorney is so indicated, and no bankruptcy petition preparer signed the petition, of the debtor that such notice was received and read by the debtor;

**(iv)** copies of all payment advices or other evidence of payment received within 60 days before the date of the filing of the petition, by the debtor from any employer of the debtor;

**(v)** a statement of the amount of monthly net income, itemized to show how the amount is calculated; and

**(vi)** a statement disclosing any reasonably anticipated increase in income or expenditures over the 12-month period following the date of the filing of the petition;

**(2)** if an individual debtor's schedule of assets and liabilities includes debts which are secured by property of the estate—

**(A)** within thirty days after the date of the filing of a petition under chapter 7 of this title ([/uscode/text/11/chapter-7](#)) or on or before the date of the meeting of creditors, whichever is earlier, or within such additional time as the court, for cause, within such period fixes, file with the clerk a statement of his intention with respect to the retention or surrender of such property and, if applicable, specifying that such property is claimed as exempt, that the debtor intends to redeem such property, or that the debtor intends to reaffirm debts secured by such property; and

**(B)** within 30 days after the first date set for the meeting of creditors under section 341(a), or within such additional time as the court, for cause, within such 30-day period fixes, perform his intention with respect to such property, as specified by subparagraph (A) of this paragraph;

except that nothing in subparagraphs (A) and (B) of this paragraph shall alter the debtor's or the trustee's rights with regard to such property under this title, except as provided in section 362(h);

**(3)** if a trustee is serving in the case or an auditor is serving under section 586(f) of title 28 ([/uscode/text/28/lii:usc:t:28:s:586:f](#)), cooperate with the trustee as necessary to enable the trustee to perform the trustee's duties under this title;

**(4)** if a trustee is serving in the case or an auditor is serving under section 586(f) of title 28 ([/uscode/text/28/lii:usc:t:28:s:586:f](#)), surrender to the trustee all property of the estate and any recorded information, including books, documents, records, and papers, relating to property of the estate, whether or not immunity is granted under section 344 of this title ([/uscode/text/11/344](#));

**(5)** appear at the hearing required under section 524(d) of this title ([/uscode/text/11/lii:usc:t:11:s:524:d](#));

**(6)** in a case under chapter 7 of this title ([/uscode/text/11/chapter-7](#)) in which the debtor is an individual, not retain possession of personal property as to which a creditor has an allowed claim for the purchase price secured in whole or in part by an interest in such personal property unless the debtor, not later than 45 days after the first meeting of creditors under section 341(a), either—

**(A)** enters into an agreement with the creditor pursuant to section 524(c) with respect to the claim secured by such property; or

**(B)** redeems such property from the security interest pursuant to section 722; and

**(7)** unless a trustee is serving in the case, continue to perform the obligations required of the administrator (as defined in section 3 of the Employee Retirement Income Security Act of 1974) of an employee benefit plan if at the time of the commencement of the case the debtor (or any entity designated by the debtor) served as such administrator.

If the debtor fails to so act within the 45-day period referred to in paragraph (6), the stay under section 362(a) is terminated with respect to the personal property of the estate or of the debtor

which is affected, such property shall no longer be property of the estate, and the creditor may take whatever action as to such property as is permitted by applicable nonbankruptcy law, unless the court determines on the motion of the trustee filed before the expiration of such 45-day period, and after notice and a hearing, that such property is of consequential value or benefit to the estate, orders appropriate adequate protection of the creditor's interest, and orders the debtor to deliver any collateral in the debtor's possession to the trustee.

**(b)** In addition to the requirements under subsection (a), a debtor who is an individual shall file with the court—

**(1)** a certificate from the approved nonprofit budget and credit counseling agency that provided the debtor services under section 109(h) describing the services provided to the debtor; and

**(2)** a copy of the debt repayment plan, if any, developed under section 109(h) through the approved nonprofit budget and credit counseling agency referred to in paragraph (1).

**(c)** In addition to meeting the requirements under subsection (a), a debtor shall file with the court a record of any interest that a debtor has in an education individual retirement account (as defined in section 530(b)(1) of the Internal Revenue Code of 1986), an interest in an account in a qualified ABLE program (as defined in section 529A(b) of such Code,<sup>[1]</sup> or under a qualified State tuition program (as defined in section 529(b)(1) of such Code).

**(d)** If the debtor fails timely to take the action specified in subsection (a)(6) of this section, or in paragraphs (1) and (2) of section 362(h), with respect to property which a lessor or bailor owns and has leased, rented, or bailed to the debtor or as to which a creditor holds a security interest not otherwise voidable under section 522(f), 544, 545, 547, 548, or 549, nothing in this title shall prevent or limit the operation of a provision in the underlying lease or agreement that has the effect of placing the debtor in default under such lease or agreement by reason of the occurrence, pendency, or existence of a proceeding under this title or the insolvency of the debtor. Nothing in this subsection shall be deemed to justify limiting such a provision in any other circumstance.

**(e)**

**(1)** If the debtor in a case under chapter 7 or 13 is an individual and if a creditor files with the court at any time a request to receive a copy of the petition, schedules, and statement of financial affairs filed by the debtor, then the court shall make such petition, such schedules, and such statement available to such creditor.

**(2)**

**(A)** The debtor shall provide—

**(i)** not later than 7 days before the date first set for the first meeting of creditors, to the trustee a copy of the Federal income tax return required under applicable law (or at the election of the debtor, a transcript of such return) for the most recent tax year ending immediately before the commencement of the case and for which a Federal income tax return was filed; and

**(ii)** at the same time the debtor complies with clause (i), a copy of such return (or if elected under clause (i), such transcript) to any creditor that timely requests such copy.

**(B)** If the debtor fails to comply with clause (i) or (ii) of subparagraph (A), the court shall dismiss the case unless the debtor demonstrates that the failure to so comply is due to circumstances beyond the control of the debtor.

**(C)** If a creditor requests a copy of such tax return or such transcript and if the debtor fails to provide a copy of such tax return or such transcript to such creditor at the time the debtor provides such tax return or such transcript to the trustee, then the court shall dismiss the case unless the debtor demonstrates that the failure to provide a copy of such tax return or such transcript is due to circumstances beyond the control of the debtor.

**(3)** If a creditor in a case under chapter 13 files with the court at any time a request to receive a copy of the plan filed by the debtor, then the court shall make available to such creditor a copy of the plan—

**(A)** at a reasonable cost; and

**(B)** not later than 7 days after such request is filed.

**(f)** At the request of the court, the United States trustee, or any party in interest in a case under chapter 7, 11, or 13, a debtor who is an individual shall file with the court—

**(1)** at the same time filed with the taxing authority, a copy of each Federal income tax return required under applicable law (or at the election of the debtor, a transcript of such tax return) with respect to each tax year of the debtor ending while the case is pending under such chapter;

**(2)** at the same time filed with the taxing authority, each Federal income tax return required under applicable law (or at the election of the debtor, a transcript of such tax return) that had not been filed with such authority as of the date of the commencement of the case and that was subsequently filed for any tax year of the debtor ending in the 3-year period ending on the date of the commencement of the case;

**(3)** a copy of each amendment to any Federal income tax return or transcript filed with the court under paragraph (1) or (2); and

**(4)** in a case under chapter 13—

**(A)** on the date that is either 90 days after the end of such tax year or 1 year after the date of the commencement of the case, whichever is later, if a plan is not confirmed before such later date; and

**(B)** annually after the plan is confirmed and until the case is closed, not later than the date that is 45 days before the anniversary of the confirmation of the plan;

a statement, under penalty of perjury, of the income and expenditures of the debtor during the tax year of the debtor most recently concluded before such statement is filed under this paragraph, and of the monthly income of the debtor, that shows how income, expenditures, and monthly income are calculated.

**(g)**

**(1)** A statement referred to in subsection (f)(4) shall disclose—

**(A)** the amount and sources of the income of the debtor;

**(B)** the identity of any person responsible with the debtor for the support of any dependent of the debtor; and

**(C)** the identity of any person who contributed, and the amount contributed, to the household in which the debtor resides.

**(2)** The tax returns, amendments, and statement of income and expenditures described in subsections (e)(2)(A) and (f) shall be available to the United States trustee (or the bankruptcy administrator, if any), the trustee, and any party in interest for inspection and copying, subject to the requirements of section 315(c) of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

**(h)** If requested by the United States trustee or by the trustee, the debtor shall provide—

**(1)** a document that establishes the identity of the debtor, including a driver's license, passport, or other document that contains a photograph of the debtor; or

**(2)** such other personal identifying information relating to the debtor that establishes the identity of the debtor.

**(i)**

**(1)** Subject to paragraphs (2) and (4) and notwithstanding section 707(a), if an individual debtor in a voluntary case under chapter 7 or 13 fails to file all of the information required under subsection (a)(1) within 45 days after the date of the filing of the petition, the case shall be automatically dismissed effective on the 46th day after the date of the filing of the petition.

**(2)** Subject to paragraph (4) and with respect to a case described in paragraph (1), any party in interest may request the court to enter an order dismissing the case. If requested, the court shall enter an order of dismissal not later than 7 days after such request.

**(3)** Subject to paragraph (4) and upon request of the debtor made within 45 days after the date of the filing of the petition described in paragraph (1), the court may allow the debtor an additional period of not to exceed 45 days to file the information required under subsection (a)(1) if the court finds justification for extending the period for the filing.

**(4)** Notwithstanding any other provision of this subsection, on the motion of the trustee filed before the expiration of the applicable period of time specified in paragraph (1), (2), or (3), and after notice and a hearing, the court may decline to dismiss the case if the court finds that the debtor attempted in good faith to file all the information required by subsection (a)(1)(B)(iv) and that the best interests of creditors would be served by administration of the case.

**(j)**

(1) Notwithstanding any other provision of this title, if the debtor fails to file a tax return that becomes due after the commencement of the case or to properly obtain an extension of the due date for filing such return, the taxing authority may request that the court enter an order converting or dismissing the case.

(2) If the debtor does not file the required return or obtain the extension referred to in paragraph (1) within 90 days after a request is filed by the taxing authority under that paragraph, the court shall convert or dismiss the case, whichever is in the best interests of creditors and the estate.

(Pub. L. 95–598 ([http://thomas.loc.gov/cgi-bin/bdquery/L?d095:/list/bd/d095pl.lst:598\(Public\\_Laws\)](http://thomas.loc.gov/cgi-bin/bdquery/L?d095:/list/bd/d095pl.lst:598(Public_Laws))), Nov. 6, 1978, 92 Stat. 2586 (<http://uscode.house.gov/statviewer.htm?volume=92&page=2586>); Pub. L. 98–353, title III ([http://thomas.loc.gov/cgi-bin/bdquery/L?d098:/list/bd/d098pl.lst:353\(Public\\_Laws\)](http://thomas.loc.gov/cgi-bin/bdquery/L?d098:/list/bd/d098pl.lst:353(Public_Laws))), §§ 305, 452, July 10, 1984, 98 Stat. 352 (<http://uscode.house.gov/statviewer.htm?volume=98&page=352>), 375; Pub. L. 99–554, title II ([http://thomas.loc.gov/cgi-bin/bdquery/L?d099:/list/bd/d099pl.lst:554\(Public\\_Laws\)](http://thomas.loc.gov/cgi-bin/bdquery/L?d099:/list/bd/d099pl.lst:554(Public_Laws))), § 283 (h), Oct. 27, 1986, 100 Stat. 3117 (<http://uscode.house.gov/statviewer.htm?volume=100&page=3117>); Pub. L. 109–8, title I (<http://www.gpo.gov/fdsys/pkg/PLAW-109publ8/html/PLAW-109publ8.htm>), § 106(d), title II, § 225(b), title III, §§ 304(1), 305(2), 315(b), 316, title IV, § 446(a), title VI, § 603(c), title VII, § 720, Apr. 20, 2005, 119 Stat. 38 (<http://uscode.house.gov/statviewer.htm?volume=119&page=38>), 66, 78, 80, 89, 92, 118, 123, 133; Pub. L. 111–16 (<http://www.gpo.gov/fdsys/pkg/PLAW-111publ16/html/PLAW-111publ16.htm>), § 2(5), (6), May 7, 2009, 123 Stat. 1607 (<http://uscode.house.gov/statviewer.htm?volume=123&page=1607>); Pub. L. 111–327 (<http://www.gpo.gov/fdsys/pkg/PLAW-111publ327/html/PLAW-111publ327.htm>), § 2(a)(16), Dec. 22, 2010, 124 Stat. 3559 (<http://uscode.house.gov/statviewer.htm?volume=124&page=3559>); Pub. L. 113–295, div. B, title I (<http://www.gpo.gov/fdsys/pkg/PLAW-113publ295/html/PLAW-113publ295.htm>), § 104(c), Dec. 19, 2014, 128 Stat. 4064 (<http://uscode.house.gov/statviewer.htm?volume=128&page=4064>).

[1] So in original. A closing parenthesis probably should precede the comma.

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