



**U.S. Department of Justice**  
*Office of the United States Trustee*  
*Byron G. Rogers Federal Building*  
*1961 Stout Street, Suite 12-200*  
*Denver, Colorado 80294*

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**UNITED STATES TRUSTEE, REGION 19, DISTRICT OF COLORADO**  
**BANKRUPTCY PETITION PREPARER GUIDELINES**

Section 110 of the Bankruptcy Code (11 U.S.C. § 110) regulates the conduct and compensation of non-attorney bankruptcy petition preparers who assist debtors, including by preparing documents filed in a bankruptcy case (“BPPs”). These Guidelines highlight conduct and compensation issues where the United States Trustee more commonly observes BPP violations of the Bankruptcy Code. **Additional** restrictions and requirements apply. A BPP should review Section 110 and seek legal counsel to understand all restrictions.

1. **A BPP may not provide legal services.** A BPP may only type forms and may do so based only on information provided by the debtors. When a BPP provides services that go beyond typing forms, those services can constitute the unauthorized “practice of law” or prohibited legal advice.
  
2. **A BPP may not provide legal advice.** A BPP is not an attorney and is not authorized to provide legal advice. A BPP may not give legal advice about the following. A BPP:
  - a. May NOT provide advice whether to file a bankruptcy petition;
  - b. May NOT provide advice concerning any bankruptcy procedure or any bankruptcy right;
  - c. May NOT provide advice whether a debtor will be able to retain the debtor’s home, car, or other property after commencing a bankruptcy case;
  - d. May NOT provide advice whether commencing a case under chapter 7, 11, 12, or 13 is appropriate;
  - e. May NOT explain information necessary to complete the bankruptcy petition;
  - f. May NOT advise or provide information regarding the claiming of exemptions;
  - g. May NOT determine which debts are priority, secured, or unsecured type debts;
  - h. May NOT use bankruptcy form software which selects which form information should be placed or selects exemptions;
  - i. May NOT solicit information from the debtor via worksheet, questionnaire, internet website or other information gathering tool (except for the Official Bankruptcy Forms) to prepare the Official Bankruptcy Forms;
  - j. May NOT suggest or determine where items belong on any document to be filed, including the petition, schedules, statement of financial affairs, the mean test form (Form B22), etc.;
  - k. May NOT explain or discuss the benefits of, or problems that, a bankruptcy filing may have on debtor, including: i) regarding any foreclosure or eviction proceeding; or ii) whether any debt will be discharged, including outstanding student loans, taxes or domestic obligations;
  - l. May NOT provide advice whether debtor may or should promise to repay debts to a creditor or enter into a reaffirmation agreement with a creditor to reaffirm a debt;

- m. May NOT appear with the debtor or on a debtor's behalf at the Section 341(a) Meeting of Creditors to provide advice regarding the meeting or process;
- n. May NOT advise or suggest to a debtor procedural or legal actions that may or may not be taken by a creditor, United States Bankruptcy Trustee, United States Bankruptcy Court, United States Bankruptcy Judge, the case trustee or another party; and
- o. May NOT advise debtors to include or omit information from the bankruptcy forms.

**3. Disclosure of fees.** A BPP must disclose all monies received from the debtor – for *any* services provided of *any* kind -- before and after the filing of the bankruptcy, as follows:

- a. Pre-petition fees. Using Procedural Form 280, a BPP must disclose to the court all amounts received from, or on behalf of the debtor, in the one year prior to the filing of the bankruptcy case, and the source of any fee paid.
- b. Post-petition fees. A BPP must disclose to the court any fees received or compensation agreement not previously disclosed to the court. Within fourteen (14) days of receiving additional compensation or entering into an agreement with a debtor(s) for additional compensation, the BPP shall disclose all additional fees or compensation arrangements to the court.

**4. Maintaining detailed time records of tasks performed.** If questioned, the BPP has the burden to demonstrate that the fees charged are reasonable. To be able to demonstrate the reasonableness of any fees charged, the BPP should keep contemporaneous detailed records of the time spent for any task performed. The records should include:

- a. time records recorded *at or near* the time any service was performed,
- b. the identity of individual performing the work,
- c. a detailed description of the tasks performed.
- d. the time spent on each task (expressed in tenths of hours) (e.g., .1, .2, .3, etc.),
- e. the total fee for each task.

If the BPP is unable to produce contemporaneously maintained time records, it may be difficult for the BPP to demonstrate the reasonableness of fees charged.

**5. A BPP may not take possession of the filing fee.** A BPP may not collect any filing fee that is required with the filing of the bankruptcy petition (including handling of a money order payable to the "U.S. Bankruptcy Court").

**6. Limits on courier services.** Debtors have the right to file their bankruptcy documents at the Bankruptcy Court in person or by mailing them to the Court in compliance with the Court's procedure. A preparer who files or assists with the physical filing of a petition with the Court, or transports the debtor to the Court, or uses a courier service to deliver the debtor's bankruptcy documents to the Court may be subject to fines under Section 110(g) for handling the Court filing fee. This includes the handling of the filing fee paid in installments.

**7. Other prohibited fees and practices.**

- a. Credit Counseling and Debtor Education courses. A BPP may not charge or accept monies from a debtor for the credit counseling or debtor education classes, unless the petition

preparer has been approved as a provider by the United States Trustee. A BPP may not take the courses in place of a debtor.

b. Advertising. A BPP shall not use the word “legal” or any similar term in any advertisements, or advertise under any category that includes the word “legal” or any similar term.

**8. Additional BPP Requirements.** In addition to the matters set forth above:

a. Official Forms required. A bankruptcy petition preparer should use the Official Court Forms to prepare documents. These forms are available for no cost on the Bankruptcy Court’s website. Some providers of attorney software, for example, do not include petition preparer signature blocks on certain documents that are included on the Official Forms.

b. Signature required on all prepared documents. A BPP must sign all documents prepared as required by Section 110(c) **and** include the BPP’s full Social Security Number with the signature.

c. Copy to debtor required. A BPP must give a copy of all documents prepared by the BPP to the debtor(s).

**9. BPP must give a copy of the Guidelines to debtor(s).** Before typing any document whatsoever and before accepting any money from the debtor(s), the BPP must provide a copy of these Guidelines to the debtor(s), which must be signed, initialed and dated by the debtor(s). Failure to provide these Guidelines to the debtor may give rise to the BPP’s liability under 11 U.S.C. § 526 for omitting to provide debtor with material information regarding the services that the BPP will provide.

**10. Translation services.** Translating documents are not necessarily giving legal advice provided the BPP does not engage in the conduct described in paragraph 2 above. If a BPP communicates with a debtor primarily in a language other than English, the BPP shall provide a copy of these Guidelines to the debtor(s) in that language.

**11. Retain copies of Guidelines.** A BPP shall keep a copy of the Guidelines signed and initialed by the debtor for a period of two years from the date of signature.

If the debtor has any questions about petition preparers or believe these Guidelines have been violated, please contact the United States Trustee at:

Office of the United States Trustee  
Bryon G. Rogers Federal Building  
1961 Stout Street, Suite 12-200  
Denver, CO 80294  
Attn: Assistant United States Trustee  
or via email: [gregory.garvin@usdoj.gov](mailto:gregory.garvin@usdoj.gov)

X \_\_\_\_\_ Date: \_\_\_\_\_  
Signature of Debtor

X \_\_\_\_\_ Date: \_\_\_\_\_  
Signature of Joint Debtor (Spouse) v. 03/27/15