

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA

**RULES COMMITTEE NOTICE:  
TIPS FOR ALERTING STATE COURT  
TO BANKRUPTCY FILING**

From the Local Rules Committee:

As the state courts transition to electronic filing, the Local Rules Committee has been receiving reports of varied experiences from counsel attempting to comply with Local Rule B-4002-1(a), which requires the debtor to give notice of the bankruptcy filing to other tribunals. Some report experiencing no problems with their practice of mailing a notice signed by the debtor to the state court. Others report that such mailed notices have been challenged by state court staff.

Chief Judge Moberly reached out to those in state court administration and received this guidance:

One of the two procedures outlined here would be the correct procedure in a county that is mandatory e-filing for attorneys:

1. If the attorney is submitting the Notice of Bankruptcy on behalf of the client, the attorney should file a Limited Appearance and the Notice of Bankruptcy.
2. The attorney could prepare the Notice of Bankruptcy and allow the client to hand deliver the Notice to the appropriate court, mail the Notice, or select an EFSP and e-file the Notice to the court. (This assumes the client has already filed his or her Appearance in the trial court case.)

Under either option, there would be no cost to e-file the Notice using the Indiana E-filing System (IEFS). However, some EFSPs will charge a fee to file this Notice.

With this same guidance, state court administration officials confirmed that adding the state court as a creditor so that the court receives a copy of the first meeting notice is NOT appropriate, since that notice has the debtor's full SSN. The state courts have the same concerns about disclosing personal identifiers as the federal courts.

The Local Rules Committee felt it appropriate to pass along this guidance, but also to seek reports from practitioners about their experiences complying with the requirement of giving notice of the bankruptcy filing to the state court. If you have any information to share, please send it by email to: [Local\\_Rules\\_Comments@insb.uscourts.gov](mailto:Local_Rules_Comments@insb.uscourts.gov) .

October 24, 2016

/s/ Kevin P. Dempsey  
Clerk