

Payment of Chapter 13 Filing Fees

Effective March 1, 2016

(Amended December 2022)

Pursuant to General Order 2015-5, the fee for filing a case under Chapter 13 shall not be paid through the Chapter 13 plan. This applies to any case filed on or after March 1, 2016. For Chapter 13 cases filed prior to March 1, 2016, debtors may continue to pay filing fees by installments through the Chapter 13 plan.

- Every Chapter 13 petition shall be accompanied by the full filing fee or an application to pay the fee in installments. See 28 U.S.C. § 1930; Fed. R. Bankr. P. 1006.
- If a Chapter 13 petition is accompanied by an application to pay the filing fee in installments, no initial payment is required at the time of filing. If the application is approved, the number of installments shall not exceed four, and the final installment shall be due no later than 120 days from the petition date.
- Pursuant to Rule 1006(b)(3), until the filing fee is paid in full, the debtor must not make any additional payment or transfer any additional property to an attorney or to anyone else for services in connection with the case. *(This language will be included in the Order Approving Payment of Filing Fee in Installments.)*
- If a debtor (1) makes four installment payments and still owes a fee balance or (2) fails to pay the full amount within the 120-day period, the Court will enter an Order for Payment of Filing Fee. The debtor will have 14 days to pay the balance. Otherwise, the case will be dismissed with prejudice barring refiling for 180 days or until the filing fee is paid.

Extension

- If a debtor moves to extend the time to pay the filing fee and the Court enters an order granting the extension, the debtor must pay the fee no later than 180 days from the petition date. Otherwise, the case will be dismissed with prejudice barring refiling for 180 days or until the filing fee is paid.
- If a debtor makes four installment payments and still owes a fee balance within the 180-day period, the Court will enter an Order for Payment of Filing Fee. The debtor will have 14 days to pay the balance. Otherwise, the case will be dismissed with prejudice barring refiling for 180 days or until the filing fee is paid.

Payments

- Attorney filers must pay filing fees electronically through Pay.gov. Attorneys may not use a debtor's credit card or debit card to pay fees through Pay.gov.
- Debtors may pay filing fees in cash (*exact change required*), money order, or cashier's check. No personal checks are accepted from debtors.

Installment Fee Event

- Where the application to pay in installments has been approved, an attorney filer will make payments using the Chapter 13 Installment Fee Event.

Installment Fee Tracking Report

- In CM/ECF under the Reports menu, court users, trustees, and attorneys may access an Installment Fee Tracking Report that provides the case number, case name, chapter, trustee, debtor's attorney, fee amount, balance, installment payments made, due date for final payment, and original confirmation hearing date. Because of system limitations, data will refresh on this report every 24 hours at 6:30 a.m. **Note:** If you do not see the Installment Fee Tracking Report on the CM/ECF menu, please clear your cache and turn off any popup blockers. For questions on accessing the report, please contact the Department of Computer Services at (912) 650-4201.
- In Chapter 13 cases, a case is added to the report upon entry of the Order Approving Payment of Filing Fee in Installments. A case is deleted from the report upon entry of the Order Confirming Plan or case closing (*whichever occurs first*).
- When the case is recommended for confirmation, the Chapter 13 trustee will review the installment fee tracking report and case dockets to determine whether the filing fee has been fully paid. If the filing fee has been fully paid, the trustee will submit an Order Confirming Plan to the Court.

Chapter 13 Trustee on Dismissal of Case

- Upon dismissal of a Chapter 13 case, the Chapter 13 Trustee shall pay any unpaid filing fee (*court costs*) from funds on hand at the time of the dismissal. This language will be included in the dismissal order.

Fee Balances in Previous Cases

- If a previous case was dismissed with prejudice within the past 180 days for failure to pay the filing fee, the fee must be paid in the previous case to re-file.

- If a previous case was dismissed (*not subject to the 180-day prejudicial dismissal*) and a fee balance is due, the Court will deny an application to pay installments and allow the debtor 14 days from the petition date to pay the filing fee in the current case.

Questions

Please contact the Court's Budget and Finance Analyst at (912) 650-4139, or by email at Wendy_Pena@gas.uscourts.gov.