

## **CAPTION (FULL)**

Official Form 16A, the full caption form, illustrates the format in which all the required information should be presented. This form of caption may be used for every type of paper except an adversary proceeding.

### **I. APPLICABLE LAW AND RULES**

Rule 9004(b) of the Federal Rules of Bankruptcy Procedure requires that every paper filed in a bankruptcy case contain a caption.

The caption must state the name of the court, the title of the case, the bankruptcy case number, and a brief description of the paper being filed. Rule 9004(b). The title of the case includes the debtor's name, the debtor's employer-identification number, if any, the last four digits of the debtor's social-security number or individual taxpayer-identification number, any other taxpayer-identification number used by the debtor, and all other names used by the debtor within eight years of filing the petition. Rule 1005.

Section 342(c)(1) of the Bankruptcy Code requires any notices given by a debtor to a creditor to contain the debtor's name, address, and the last four digits of the debtor's taxpayer-identification number. Official Form 16A satisfies the requirements under section 342(c)(1) for most notices given by a debtor.

If the notice concerns an amendment which adds a creditor to the schedules of assets and liabilities, the debtor must include the full taxpayer-identification number in the copy of the notice sent to that creditor. Only the last four digits of the taxpayer-identification number are included in the copy of the notice filed with the court.

A copy of a motion or other paper may be used as notice of the filing of the motion or other document, or the motion or paper may be attached to a separate notice. In certain circumstances, however, section 342(c)(2) requires that the debtor include the debtor's current account number and send the notice to an address specified by the creditor.

### **II. DIRECTIONS**

1. After the words, "United States Bankruptcy Court," the name of the federal judicial district in the which the particular bankruptcy court is located should be inserted. Some districts include an entire state. Their names should be written as follows: "District of Utah." Other districts comprise only part of a state. Their names should be written as follows: "Eastern District of Tennessee."

2. Following the words “In re,” all names used by the debtor or joint debtors in the eight years prior to the filing of the case should be stated. This includes married names, maiden names, and names under which the debtor has engaged in business. A creditor intending to file a paper using this caption form can obtain the debtor’s full list of names from a copy of the petition or from the “Notice of Commencement of Case . . . Meeting of Creditors, and Fixing Dates” (often referred to as a “section 341 notice”) that was mailed to creditors at the beginning of the case.

3. The debtor’s address, including zip code, should be stated in the spaces provided. A creditor can obtain the debtor’s address from the section 341 notice that was mailed to creditors at the beginning of the case.

4. The last four digits of the debtor’s and joint debtor’s social-security numbers or individual taxpayer-identification numbers and the debtor’s and joint debtor’s full employer-identification numbers, if any, should be inserted in the spaces provided. A creditor can obtain this information from the section 341 notice that was mailed to creditors at the beginning of the case, from the court docket, or from the clerk’s office.

5. The case number should be stated in space indicated. The case number will be assigned by the clerk’s office when the petition is filed; it also appears on the section 341 notice mailed to creditors at the beginning of the case.

6. The chapter number to be inserted in the space provided is the chapter of the Bankruptcy Code under which the case is proceeding at the time the paper is filed. A bankruptcy case can be filed under one chapter, but converted to a different chapter later in the case. If a case has been converted, the court will have sent notice of that fact.

7. The designation of the character of the paper, which should be written in the space provided, should be brief. Most papers on which a caption must appear are either motions or responses to motions. Some examples include “Motion to Extend Time to File Chapter 13 Plan,” or “Answer to Motion for Relief from Stay.” For clarity, the designation may include a reference to who filed it, for example, “Debtor’s Motion to . . .”

8. Some courts may have local requirements for additional information that must be provided as part of the caption. Stating the name of the judge to whom the case or matter is assigned and stating name and state bar number of the filing attorney (or the name of the filing party if the party is not represented by an attorney) are common requirements. Anyone planning to file a motion or other paper should review the bankruptcy court’s local rules concerning requirements for captions. Links to local bankruptcy rules are posted at <http://www.uscourts.gov/rules/bk-localrules.html>.

9. Once the caption is complete, the text of the paper to be filed should begin.