

Motion to Sever

In a joint case, one of the debtors may choose to administer his or her case separately. The debtor wishing to open a separate case must file a motion to sever in the joint case. Please check your motion for the items listed below before you file it:

- The heading of the motion has both debtors' names and the case number
- The title of the document states it is a motion to sever
- The document clearly states why the motion is being filed
- The signature block meets the requirements of LBR 9011-1
- A certificate of service is attached to the motion

There is a filing fee associated with a motion to sever. The current fee can be found on the [Fee Page](#) of the court's website.

Steps to file the motion to sever are as follows:

- a. Bankruptcy > Motions/Applications
- b. Type the case number
 - i. Next
- c. Select Sever for the appropriate chapter
 - i. Next
 - ii. Next
- d. Select the attorney's name
 - i. Next
- e. Select party
 - i. Next
 - ii. Next
- f. Browse to retrieve document
 - i. Next
- g. Type the payment receipt number
 - i. Next
- h. Verify the docket text and modify it, if needed
 - i. Next
- i. Docket text warning the attorney to verify that all the information is correct
 - i. Next
- j. Chambers will set the motion for hearing.

Once an order to sever is entered, a new case will be created for the moving debtor. When notified that the case has been severed, you will need to file the certificate of credit counseling and the financial management certificate (if previously filed) in the new case. A clerk's notice of deficiency will be entered notifying you of what documents need to be filed. Listed below are the common forms needed by chapter:

Chapter 7 cases

- Chapter 7 Statement of Intention
- Payment Advices/Employee Income Records
- Chapter 7 Statement of Your Current Monthly Income
- Statement of Financial Affairs
- Disclosure of Compensation
- Schedules A-J
- Declaration about Debtor's Schedules
- Summary of Your Assets and Liabilities and Certain Statistical Information

Chapter 13 cases

- Chapter 13 Plan
- Payment Advices/Employee Income Records
- Chapter 13 Statement of Current Monthly Income
- Statement of Financial Affairs
- Disclosure of Compensation
- Schedules A-J
- Declaration about Debtor's Schedules
- Summary of Your Assets and Liabilities and Certain Statistical Information