

Filing a Case for a Debtor without a Social Security Number

Federal Rule of Bankruptcy Procedure (FRBP) 1007(f) directs that the debtor shall submit a verified statement that sets out the debtor's social security number ("SSN"). This requirement is met by completing Official Form B121 (Statement About Your Social Security Numbers) ("Form B121"). If the debtor has a SSN, the completed Form B121 is not filed with the court but is maintained by the filer.

However, you may represent an individual debtor who does not have a SSN. For example, a Canadian citizen may not have a SSN, but will still meet the residency requirement for filing in the Northern District of New York. They may instead have a Canadian Social Insurance Number ("SIN"). The SIN is also a nine-digit number that, if inadvertently reported as a SSN during filing, will erroneously populate the four-digit SSN field in notices generated by the clerk's office and on the voluntary petition. The Form B121 includes a box to check to indicate the individual debtor **does not** have a SSN.

To open a case in CM/ECF for an individual debtor who does not have a SSN, simply bypass the SSN field. If the debtor **does not** have a SSN, Form B121 should not be filed as part of the petition. Instead, it should be filed as a separate event in CM/ECF. To file Form B121, check the box that indicates the debtor **does not** have a SSN and use the following string of event codes: *Bankruptcy > Other > Statement of No Social Security Number*. Failure to file Form B121 in these cases will result in a Notice of Deficiency, which if not cured, may result in an order to show cause.

The Notice of Case that includes information about the meeting of creditors ordinarily includes the full SSN in accordance with FRBP 2002(a)(1). Following the instructions for filing the Form B121 for a debtor without a SSN, will ensure the Notice of Case is sent without any identification numbers and the last four digits on the docket will present as - XXXX. Note that FRBP 4002(b)(1)(B) directs that a debtor bring to the § 341 meeting evidence of their SSN or a written statement that such documentation does not exist.