

## **CAPTION (SHORT TITLE)**

Official Form 16B, the “short title” caption may be used when the paper to be filed is not part of an adversary proceeding and the special notice requirement under section 342(c) of the Bankruptcy Code does not apply. Most motions filed by a creditor or by a trustee are papers on which the “short title” caption would be appropriate. Additional names, such as any under which the debtor has engaged in business, can be added as appropriate.

### **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 full title of the case includes the debtor’s name(s), 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.

The 1991 Committee Note to Form B16B, states that the information in the “full” title is necessary for the petition, the notice of the meeting of creditors, the order of discharge, and documents relating to the plan in a chapter 11 case. *See* Rule 2002(m) and Official Form 16A. A short title containing simply the name of the debtor or joint debtors, however, may be used in other notices, motions, applications, and papers filed in a bankruptcy case.

Several Official Forms either contain a caption or request all the information contained in a caption. Accordingly, no separate caption need be prepared for these papers. *See* Forms B1, B9A. Other Official Forms specify the form of caption required. For many papers filed in a case, the one or two names used most frequently by the debtor(s) are sufficient to identify the case and serve as the title. These can be supplemented as appropriate for the particular paper.

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, the “full” caption, satisfies the requirements under section 342(c)(1) for most notices given by a debtor and should be used for that purpose.

### **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,” the name(s) of the debtor or joint debtors should be stated. A creditor intending to file a paper can obtain a list of the debtor’s 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 at the beginning of the case.

3. The debtor’s or joint debtors’ names should be followed by the designation “Debtor” or ”Debtors.”

4. The case number should be stated in the space provided. 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.

5. 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.

6. 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 . . . .”

7. 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>.

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