

(Added Pub. L. 109–8, title II, §233(a), Apr. 20, 2005, 119 Stat. 74.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective 180 days after Apr. 20, 2005, and not applicable with respect to cases commenced under this title before such effective date, except as otherwise provided, see section 1501 of Pub. L. 109–8, set out as an Effective Date of 2005 Amendment note under section 101 of this title.

CHAPTER 3—CASE ADMINISTRATION

SUBCHAPTER I—COMMENCEMENT OF A CASE

- | | |
|-------|--------------------------------|
| Sec. | |
| 301. | Voluntary cases. |
| 302. | Joint cases. |
| 303. | Involuntary cases. |
| [304. | Repealed.] |
| 305. | Abstention. |
| 306. | Limited appearance. |
| 307. | United States trustee. |
| 308. | Debtor reporting requirements. |

SUBCHAPTER II—OFFICERS

- | | |
|------|---|
| 321. | Eligibility to serve as trustee. |
| 322. | Qualification of trustee. |
| 323. | Role and capacity of trustee. |
| 324. | Removal of trustee or examiner. |
| 325. | Effect of vacancy. |
| 326. | Limitation on compensation of trustee. |
| 327. | Employment of professional persons. |
| 328. | Limitation on compensation of professional persons. |
| 329. | Debtor's transactions with attorneys. |
| 330. | Compensation of officers. |
| 331. | Interim compensation. |
| 332. | Consumer privacy ombudsman. |
| 333. | Appointment of patient care ombudsman. |

SUBCHAPTER III—ADMINISTRATION

- | | |
|------|---|
| 341. | Meetings of creditors and equity security holders. |
| 342. | Notice. |
| 343. | Examination of the debtor. |
| 344. | Self-incrimination; immunity. |
| 345. | Money of estates. |
| 346. | Special provisions related to the treatment of State and local taxes. |
| 347. | Unclaimed property. |
| 348. | Effect of conversion. |
| 349. | Effect of dismissal. |
| 350. | Closing and reopening cases. |
| 351. | Disposal of patient records. |

SUBCHAPTER IV—ADMINISTRATIVE POWERS

- | | |
|------|---|
| 361. | Adequate protection. |
| 362. | Automatic stay. |
| 363. | Use, sale, or lease of property. |
| 364. | Obtaining credit. |
| 365. | Executory contracts and unexpired leases. |
| 366. | Utility service. |

Editorial Notes

AMENDMENTS

2010—Pub. L. 111–327, §2(a)(49), Dec. 22, 2010, 124 Stat. 3562, inserted “patient care” before “ombudsman” in item 333.

2005—Pub. L. 109–8, title II, §232(c), title IV, §434(a)(2), title VII, §719(a)(2), title VIII, §802(d)(4), title XI, §§1102(b), 1104(a)(2), Apr. 20, 2005, 119 Stat. 74, 111, 133, 146, 190, 192, added items 308, 332, 333, and 351, substituted “Special provisions related to the treatment of State and local taxes” for “Special tax provisions” in item 346, and struck out item 304 “Cases ancillary to foreign proceedings”.

1986—Pub. L. 99–554, title II, §205(b), Oct. 27, 1986, 100 Stat. 3098, added item 307.

SUBCHAPTER I—COMMENCEMENT OF A CASE

§ 301. Voluntary cases

(a) A voluntary case under a chapter of this title is commenced by the filing with the bankruptcy court of a petition under such chapter by an entity that may be a debtor under such chapter.

(b) The commencement of a voluntary case under a chapter of this title constitutes an order for relief under such chapter.

(Pub. L. 95–598, Nov. 6, 1978, 92 Stat. 2558; Pub. L. 109–8, title V, §501(b), Apr. 20, 2005, 119 Stat. 118.)

HISTORICAL AND REVISION NOTES

LEGISLATIVE STATEMENTS

Sections 301, 302, 303, and 304 are all modified in the House amendment to adopt an idea contained in sections 301 and 303 of the Senate amendment requiring a petition commencing a case to be filed with the bankruptcy court. The exception contained in section 301 of the Senate bill relating to cases filed under chapter 9 is deleted. Chapter 9 cases will be handled by a bankruptcy court as are other title 11 cases.

SENATE REPORT NO. 95–989

Section 301 specifies the manner in which a voluntary bankruptcy case is commenced. The debtor files a petition under this section under the particular operative chapter of the bankruptcy code under which he wishes to proceed. The filing of the petition constitutes an order for relief in the case under that chapter. The section contains no change from current law, except for the use of the phrase “order for relief” instead of “adjudication.” The term adjudication is replaced by a less pejorative phrase in light of the clear power of Congress to permit voluntary bankruptcy without the necessity for an adjudication, as under the 1898 act [former title 11], which was adopted when voluntary bankruptcy was a concept not thoroughly tested.

Editorial Notes

AMENDMENTS

2005—Pub. L. 109–8 designated existing provisions as subsec. (a), struck out “The commencement of a voluntary case under a chapter of this title constitutes an order for relief under such chapter.” at end, and added subsec. (b).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2005 AMENDMENT

Amendment by Pub. L. 109–8 effective 180 days after Apr. 20, 2005, and not applicable with respect to cases commenced under this title before such effective date, except as otherwise provided, see section 1501 of Pub. L. 109–8, set out as a note under section 101 of this title.

§ 302. Joint cases

(a) A joint case under a chapter of this title is commenced by the filing with the bankruptcy court of a single petition under such chapter by an individual that may be a debtor under such chapter and such individual's spouse. The commencement of a joint case under a chapter of this title constitutes an order for relief under such chapter.

(b) After the commencement of a joint case, the court shall determine the extent, if any, to which the debtors' estates shall be consolidated.