

# **BANKRUPTCY <sup>UP</sup>DATE**

## **November 5, 2025**

If someone else would like to receive these <sup>UP</sup>dates, please send an e-mail to [Shan\\_Stroup@sdb.uscourts.gov](mailto:Shan_Stroup@sdb.uscourts.gov).

## **South Dakota Filings Up Two Percent in 2025**

In the first 10 months of 2025 South Dakota bankruptcy filings increased by two percent from the number of bankruptcies filed in the first 10 months of last year.

## **Applications to Waive Chapter 7 Filing Fee**

When requesting a waiver of a Chapter 7 filing fee, keep in mind 28 U.S.C. §1930(f)(1) provides a court may waive the fee if it determines an individual debtor "has income less than 150 percent of the income official poverty line" **and** "is unable to pay that fee in installments." In deciding whether a debtor is unable to pay the filing fee in installments, the Court considers the totality of the circumstances of the debtor, including the debtor's current income and expenses **and any assets listed on the debtor's schedules**. It is important to set forth in section 5 of the [Application to Have the Chapter 7 Filing Fee Waived \(Official Form 103B\)](#) why the debtor is "unable to pay the filing fee in installments within 120 days."

## **Link**

[Previous Bankruptcy <sup>UP</sup>dates](#)