

READ THIS BEFORE YOU FILE YOUR CASE!

Did you (and your spouse, if filing a joint petition) complete credit counseling from a U.S. Trustee approved credit counseling agency and receive your credit counseling certificate? Your certificate must be filed with your bankruptcy petition!

If you have not completed such credit counseling **before you file your petition (and no earlier than 180 days before you file your petition)** and you do not meet the requirements for an extension to complete the credit counseling after filing (or for being exempted from being required to obtain such a credit counseling), your case will be dismissed and you will not receive a discharge of your debts. Even if you file another case within one year after your first case was dismissed, your protection under the Bankruptcy Code's automatic stay from your creditors may be limited to 30 days after filing the new case.

The decision to file your petition is up to you, but if you file without having obtained credit counseling, you are risking dismissal of your case. Employees of the Clerk and Court cannot provide legal advice or predict in advance how a judge will decide your request for an extension to complete this requirement.

Obtaining an Extension. Under the bankruptcy laws, the Court can only allow you to complete the credit counseling after filing if you meet all of the following conditions:

- (1) You must have requested the required credit counseling from an approved nonprofit budget and credit counseling agency, but were unable to obtain the required services within 5 days following your request; and
- (2) There are emergency circumstances that make it necessary for you to file your case immediately (note: the Court determines what qualifies as an emergency); and
- (3) You must file a certification stating the facts regarding conditions (1) and (2) with your petition.

Please be advised: many debtors may not be able to meet these conditions because credit counseling is readily available in this district.

Exemption from Credit Counseling Requirement. A waiver of the credit counseling requirement is available in very limited circumstances for persons on military duty in an active combat zone, or persons with a physical or mental impairment preventing participation in credit counseling, in person, by telephone, or on the internet. In general, simply qualifying for disability payments does not mean you are exempt from credit counseling. A waiver must be granted by the Court.

How to Obtain Credit Counseling

To locate an approved agency that can provide pre-bankruptcy credit counseling, go to the U.S. Trustee website, http://www.usdoj.gov/ust/eo/bapcpa/ccde/cc_approved.htm.

Some things to bear in mind:

You may conduct the counseling on a computer, by telephone or in person. If you do not have a computer, check at the Clerk's intake counter regarding the availability of a computer you may use, free of charge, for the purpose of obtaining credit counseling.

Be sure you take credit counseling from a U.S. Trustee-approved credit counseling agency and that you make clear to that agency that you need the counseling for purposes of filing a bankruptcy case.

The agency may charge a fee for the course, which you must pay unless the fee is waived.

Ask the credit counseling agency for a certificate describing the credit counseling services provided to you, and a copy of any debt repayment plan developed through the agency. You will need to file both in your bankruptcy case. If the agency does not prepare a debt repayment plan, you need to file only the certificate of counseling.

The safest way to be sure you received the required type of credit counseling is to obtain a certificate before you file your bankruptcy case. If there is an important reason why you must file the case before receiving the certificate, the court may grant a temporary extension of time to file the certificate, but you must **request counseling** from the agency **before** you file your case.

Be sure the certificate reflects that you received your credit counseling within 180 days before you file your petition. If you received the credit counseling more than 180 days ago, that certificate is too old and will not satisfy the statutory requirement.

* * *

In addition, after filing for bankruptcy, you must complete a personal financial management course from an approved personal financial management instruction provider.

To locate an approved provider, go to the U.S. Trustee website, http://www.usdoj.gov/ust/eo/bapcpa/ccde/de_approved.htm.

After completing the instructional course, you must submit to the Clerk (1) a "Certification of Completion of Instructional Course Concerning Personal Financial Management" and (2) a copy of the certificate from the provider, within 60 days of the First Meeting of Creditors or your case may be closed without a discharge.