



HAVE YOU COMPLETED CREDIT COUNSELING?

*Use of a U.S. Trustee Approved Agency required.
[11 U.S.C. § 109(h)]*

READ THIS BEFORE YOU FILE YOUR CASE



If you have not completed counseling before you file your petition and you do not meet the requirements for an extension to complete the counseling after filing:

- Your case may be DISMISSED without refund of any filing fee paid;
- You WILL NOT receive a DISCHARGE of your debts; and
- If you REFILE within ONE YEAR after dismissal, protection under the Bankruptcy Code from your creditors (i.e., the automatic stay) may be limited to thirty days.

Under the bankruptcy laws, the court can allow you to complete the course after filing only if you meet all of the following conditions. See 11 U.S.C. § 109(h)(3).

- 1) Prior to filing your petition, you must have requested credit counseling services from a U.S. Trustee approved agency but were unable to obtain the services during the 5-day period following your request.
- 2) There are exigent (emergency) circumstances that make it necessary for you to file your case immediately. (Important: The court will determine what qualifies as an emergency circumstance.)
- 3) You must file a certification stating the facts regarding conditions 1) and 2) above with your petition. Local Forms CSD 1025 and 1027 are available from the clerk.

The decision to file your petition is up to you but, if you file without taking the course, you are risking dismissal of your case. The clerk cannot provide legal advice or predict how a judge will decide your motion for an extension of time to complete the credit counseling requirement.

To complete the requirement before filing your petition, obtain a list of United States Trustee approved pre-bankruptcy credit counseling agencies from the clerk or go to this website:

<https://www.justice.gov/ust/list-credit-counseling-agencies-approved-pursuant-11-usc-111>

You may take the course on the Internet, by telephone, or in person. If you do not have a computer, your public library may allow you to use their public computers.

NOTE: 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. A waiver must be granted by the court. 11 U.S.C. § 109(h)(4).