

# *Before you File Bankruptcy*

- **DID YOU TAKE A CREDIT COUNSELING CLASS BEFORE YOU FILED FOR BANKRUPTCY?**
- **DID YOU OBTAIN A COPY OF THE CERTIFICATE OF COUNSELING AFTER YOU COMPLETED THE CLASS?**
- **DID YOU INCLUDE A COPY OF YOUR CERTIFICATE OF COUNSELING WITH YOUR BANKRUPTCY PETITION?**

**WARNING: IF YOU ANSWERED NO TO ANY OF THESE QUESTIONS, YOUR BANKRUPTCY CASE MAY BE**

**DISMISSED**

TO OBTAIN A LIST OF APPROVED CREDIT COUNSELING CLASS PROVIDERS, PLEASE VISIT THE U.S. TRUSTEE'S WEBSITE:  
[http://www.justice.gov/ust/eo/bapcpa/ccde/cc\\_approved.htm](http://www.justice.gov/ust/eo/bapcpa/ccde/cc_approved.htm)

- **A credit counseling class MUST BE COMPLETED within 180 days before filing bankruptcy**
- **If filing a joint petition with a spouse, each debtor MUST COMPLETE a credit counseling class**
- **Debtor Education: Financial Management is the 2<sup>nd</sup> class required AFTER you file your bankruptcy case**

# BEFORE YOU FILE FOR BANKRUPTCY

## Credit Counseling Requirement

In compliance with the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, individual debtors (not business debtors) must earn **TWO different certificates** to obtain a discharge:

### 1. Credit Counseling

(BEFORE YOU FILE FOR BANKRUPTCY)

### 2. Debtor Education: Financial Management

(AFTER YOU FILE FOR BANKRUPTCY)

*You must complete a Credit Counseling course BEFORE you file for bankruptcy, as follows:*

- The Credit Counseling course must be completed **within 180 days before filing** a bankruptcy case.
- Each debtor must complete a Credit Counseling course to earn a **Certificate of Counseling**.
- If filing a joint petition with a spouse, each debtor must complete the course and earn a separate **Certificate of Counseling**.
- A complete list of approved agencies in your area can be found on the U.S. Trustee's website:

[http://www.justice.gov/ust/eo/bapcpa/ccde/cc\\_approved.htm](http://www.justice.gov/ust/eo/bapcpa/ccde/cc_approved.htm)

#### **Most agencies offer services in Spanish and English**

- The course can be completed in person, over the Internet, or by telephone.
- The fees vary from agency to agency. If you cannot afford to pay the fee, ask the agency if you qualify for a fee waiver.

If you do not obtain credit counseling from a United States trustee-approved credit counseling agency within 180 days before filing your bankruptcy petition, ***your case may be dismissed***. In some cases, you may not be permitted to file a bankruptcy case for 180 days from the date of the order of dismissal. You and your property may not be protected from the actions of creditors if you do file a bankruptcy case during those 180 days, or later.

For information on the second certificate requirement read: **AFTER YOU FILE FOR BANKRUPTCY**

# AFTER YOU FILE FOR BANKRUPTCY

## Debtor Education: Financial Management Requirement

In compliance with the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, individual debtors (not business debtors) must earn **TWO different certificates** to obtain a discharge:

### 1. Credit Counseling

BEFORE FILING FOR BANKRUPTCY

### 2. Debtor Education (Financial Management)

AFTER FILING FOR BANKRUPTCY

*You must complete a Financial Management course AFTER you file for bankruptcy, as follows:*

- Each debtor must complete a Financial Management course to earn a **Certificate of Debtor Education**.
- The Financial Management course must be completed within 60 days from the initial date of your 341 Meeting of Creditors hearing (**for Chapter 7 cases**). For **Chapter 11 and 13 cases**, the course must be completed prior to making your last payment.
- If filing a joint petition with a spouse, each debtor must complete the course and earn a separate **Certificate of Debtor Education**.
- The **Certificate of Debtor Education** for each debtor **must** be filed with **CERTIFICATION ABOUT A FINANCIAL MANAGEMENT COURSE (FORM 423)** unless the approved agency through which the course was taken has already notified the court of the debtor's completion of the course.
- Each debtor is required to complete a separate **CERTIFICATION ABOUT A FINANCIAL MANAGEMENT COURSE (FORM 423)**, and fill in the name and certificate number listed on the **Certificate of Debtor Education** earned by that debtor.
- A complete list of approved agencies in your area can be found on the U.S. trustee's website:

[http://www.justice.gov/ust/eo/bapcpa/ccde/de\\_approved.htm](http://www.justice.gov/ust/eo/bapcpa/ccde/de_approved.htm)

#### **Most agencies offer services in Spanish and English**

- The course can be completed in person, over the internet, or by telephone.

- The fees vary from agency to agency. If you cannot afford to pay the fee, ask the agency if you qualify for a fee waiver.

Delay in complying with the above can result in the bankruptcy case being **closed** (not dismissed) **without a discharge** of debts being granted. If the case is closed, an individual debtor will have to file a motion and order to reopen, using mandatory court forms. The judge will decide to grant or deny your motion to reopen the case. If the motion to reopen the case is granted, you must file **CERTIFICATION ABOUT A FINANCIAL MANAGEMENT COURSE (FORM 423)**, as required. To complete this process, there **is a substantial filing fee**.

For information on the first certificate requirement read: BEFORE YOU FILE FOR BANKRUPTCY