

## Credit Counseling Warning

Did you 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.



**Read this entire notice before you file your petition**



If you (and your spouse if filing a joint petition) do not complete the required United States Trustee approved counseling **before you file your petition** or you do not meet the requirements to complete the counseling after filing (You must have received credit counseling within 180 days before filing bankruptcy):

Your case may be **dismissed** without refund of any filing fee paid:

- You **will not** receive a **discharge** of your debts;
- If you **refile** within **one year** after dismissal, protection from creditors (the automatic stay) granted under the Bankruptcy Code may be limited to thirty (30) days.

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

1. You must have tried to get credit counseling from an approved agency before bankruptcy but were not able to obtain the counseling during the 7-day period after you made the request; **and**
2. There are exigent (emergency) circumstances that make it necessary for you to file your case immediately (Note: The court will determine what qualifies as an emergency circumstance); **and**
3. You must file a certification stating the facts regarding conditions 1 and 2 above with your petition.

**The decision to file is yours alone, but if you file a petition without taking the course, you risk dismissal of your case. The clerk cannot provide legal advice or predict in advance how a judge will decide your request for an extension to complete this requirement for credit counseling. For more information about the credit counseling requirement, read *Before You File for Personal Bankruptcy* on the following page.**

A list of United States Trustee approved pre-bankruptcy credit counseling agencies can be found on the court's web site, [www.mnb.uscourts.gov](http://www.mnb.uscourts.gov), *Filing Guidance, Approved Credit Counseling Agencies*.

You may take the course on the Internet, by telephone, or in person. If you do not have a computer, your public library or FedEx/Kinkos 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. 11 U.S.C. § 109 (h)(4). A waiver request must be made by motion to the court. See Local Rules 9013-1- 9013-3.