

# UNITED STATES BANKRUPTCY COURT DISTRICT OF MONTANA

## NOTICE TO ALL DEBTORS: READ THIS BEFORE YOU FILE YOUR CASE



DID YOU (AND YOUR SPOUSE, IF JOINT PETITION) COMPLETE THE REQUIRED UNITED STATES TRUSTEE APPROVED PRE FILING BANKRUPTCY CREDIT COUNSELING COURSE?

If you have not completed this counseling ending on the date of filing of your petition, and you do not meet the requirements for an extension to complete the counseling after filing, your case will be dismissed, and you will not receive a discharge of your debts. In some cases, you may not be allowed to file another case for 180 days. Even if you file another case within one year after your first case was dismissed, protection under the Bankruptcy Code from your creditors may be limited to thirty days after filing the new case.

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

- 1) You must have tried to get counseling from an approved agency within at least a five day period ending on the date of the filing and the agency couldn't provide it; AND
- 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.

Please be advised: most debtors will not be able to meet these conditions because credit counseling is readily available in this district. If you file for bankruptcy without taking the credit counseling course or fully satisfying the three requirements above, your case will be dismissed. The clerk cannot provide legal advice or predict in advance how a judge will decide your request for an extension to complete this requirement.

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

[https://www.justice.gov/ust/eo/bapcpa/ccde/CC\\_Files/CC\\_Approved\\_Agencies\\_HTML/cc\\_montana/cc\\_montana.htm](https://www.justice.gov/ust/eo/bapcpa/ccde/CC_Files/CC_Approved_Agencies_HTML/cc_montana/cc_montana.htm)

You may take the course on a computer or by telephone. If you don't have a computer, your public library may allow you to use their public computers.

*Note: there are exemptions from this requirement available for the mentally ill or disabled or persons on military duty in an active combat zone. See 11 USC§ 109(h)(4) instructions for more information. Also, counselors may charge a reasonable fee, and provide services without regard to ability to pay a fee.*