

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**



**TO: ALL INDIVIDUALS CONSIDERING FILING BANKRUPTCY
WITHOUT AN ATTORNEY**

DATE: NOVEMBER 22, 2005

RE: NEW PRE-BANKRUPTCY CREDIT COUNSELING REQUIREMENT

New provisions of the bankruptcy law are now in effect. One new provision provides that someone cannot be a bankruptcy debtor unless they have received a briefing from an approved credit counseling agency sometime during the 180 day period *before* a bankruptcy petition is filed. *See* 11 U.S.C. § 109(h)(1). In addition to all the other forms you must prepare and file for bankruptcy, you must now also file a certificate from an approved credit counseling agency stating that you have completed a pre-filing credit counseling course. *See* 11 U.S.C. § 521(b); Bankruptcy Rule 1007(b)(3). That certificate must be filed at the same time that you file your bankruptcy petition. *See* Bankruptcy Rule 1007(c).

If you are considering filing for bankruptcy but do not have a certificate from an approved credit counseling agency stating that you have completed a pre-filing credit counseling course, you should re-consider such filing until you satisfy this requirement. Your failure to file such certificate will result in an Order being issued that will require you to appear at a hearing where the Judge may be required to dismiss your case because this requirement has not been met.

On the back of this memo is a list of credit counseling agencies that have been approved by the United States Trustee Program to provide a pre-filing credit counseling course for an individual who is filing bankruptcy in the Northern District of Ohio. *See* 11 U.S.C. §111 (b). Other than providing you this list, the Court cannot give you any additional information or answer any questions regarding these credit counseling agencies. For more information, contact these agencies directly.