



**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA**



**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?

Exhibit D “*INDIVIDUAL DEBTOR’S STATEMENT OF COMPLIANCE WITH CREDIT COUNSELING REQUIREMENT*” must be filed with your petition.

- ▶ If you completed the counseling and you have the certificate with you confirming you took the course, check box 1 of Exhibit D and file the certificate with your petition.
- ▶ If you completed the counseling and you do NOT have the certificate with you, check box 2 of Exhibit D. **You will have 14 days after your case is filed to file the certificate or your case may be dismissed.**
- ▶ If you did NOT complete the counseling yet, you must check box 3 of Exhibit D, if it applies, and explain WHY you did not receive the counseling. You must get the counseling as soon as possible, but no later than the date ordered by the court, and you must file the certificate. The court will enter an order that will require you to appear in court and explain why you didn’t get counseling before you filed bankruptcy. The court could dismiss your case if the court finds you did not have a good reason to file bankruptcy without taking the course.
- ▶ If you meet the requirements for an exemption from counseling (mentally ill or disabled or persons on military duty in an active combat zone) you must check box 4 of Exhibit D and file a motion for determination by the court. See 11 U.S.C. §109(h)(4), and Local Rule 1007-1(E) and clerk’s filing instructions for more information.

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 U.S.C. §109(h)(3).]

- 1) You must have tried to get counseling from an approved agency within at least a seven day period before filing and the agency couldn’t provide it; AND
- 2) There are exigent (emergency) circumstances that prevented you from obtaining credit counseling before filing. (Important: The court will determine what qualifies as an emergency circumstance).

Please be advised that most debtors will not be able to meet these conditions because credit counseling is readily available in this district. 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 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:

http://www.usdoj.gov/ust/bapcpa/ccde/cc_approved.htm

There is a fee for taking this course. If you are unable to pay the fee, the agency must provide the course for free. See 11 U.S.C. §111(c)(2)(B). A free on-line counseling course is available at this US Trustee approved provider site: <http://www.consumerbankruptcy counseling.info/cbcp/about.html>

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