

From: Scott Myers
To: RulesCommittee Secretary
Cc: Shelly Cox; Nathan Ochsner; Bridget Healy
Subject: Proposed amendment to Bankruptcy Form 2000
Date: Monday, April 28, 2025 3:17:03 PM

Nathan Ochsner, Clerk, SD TX, contacted AO Staff to suggest a proposed change to the checklists on Bankruptcy Form 2000, asking:

Would it be possible to clearly state on [Form 2000] that the Credit Counseling Course must be taken before the petition is filed? We have a pattern of debtors not understanding that the course must be completed before they file a bankruptcy petition.

In response to a follow-up email, he suggests adding language (shown in bold below) to the end of the existing statement regarding credit counseling on the Form 2000 checklists for chapters 7, 11, 12, and 13:

Credit Counseling Requirement (Official Form 101); Certificate of Credit Counseling and Debt Repayment Plan, if applicable; Section 109(h)(3) certification or § 109(h)(4) request, if applicable. If applicable, the Certificate of Credit Counseling and Debt Repayment Plan must be filed with the petition or within 14 days. If applicable, the § 109(h)(3) certification or the § 109(h)(4) request must be filed WITH the petition. Fed.R.Bankr.P. 1007(b)(3), (c). **An approved Credit Counseling Course must be taken 180 days before the case is filed, (so long as none of the exceptions are applicable).**