



Can I File Bankruptcy Again?

Jay S. Fleischman, Esq.

If you have previously filed for bankruptcy protection, and you've found yourself dealing with unmanageable debt a second time, you may be wondering if you can file bankruptcy again. Going through bankruptcy a second time is not exactly a pleasant thought but if you're struggling with debt, and you think you may need to file bankruptcy again, it's important to know if this is even an option for you.

Technically, there are no limits on how often you can file for bankruptcy protection; however, if you expect to receive a second discharge, you will need to wait a certain amount of time between filings.

That amount of time depends on the type of bankruptcy you previously filed, and the type that you intend to file this time. Here are the guidelines that will determine whether you are eligible for a second discharge:

If you previously received a Chapter 7 discharge (which erased your debts, rather than restructuring them), you will have to wait 8 years before you can receive another Chapter 7 discharge. If your second filing will be for Chapter 13 protection (which reorganizes your debts), the waiting period is 4 years.

If your previous bankruptcy was a Chapter 13, you'll have to wait 2 years before receiving another Chapter 13 discharge. If you're seeking a Chapter 7 discharge, 6 years must have passed since your Chapter 13 filing.

When determining if you're eligible, keep in mind that these time periods are measured from filing date to filing date, not from discharge date to filing date.

Also, there are exceptions to all of these time requirements, so in certain cases, you might be eligible to file before the end of the waiting period. If you are thinking about a second bankruptcy, contact a bankruptcy lawyer to see if you qualify for an exception.

Jay S. Fleischman is a [New York bankruptcy attorney](#) and Managing Partner of Shaev & Fleischman, LLP. Jay is also the author of [The Consumer's Guide To Bankruptcy: The Truth About Ending Your Bill Problems And Getting Back The Good Credit You Deserve](#).

