

When Can I File Bankruptcy Again?

By John Skiba, Arizona Bankruptcy Attorney

www.skibalaw.com

Usually bankruptcy is a once in a lifetime event. I think it is fair to say that not only do people not want to file bankruptcy once they surely don't want to be in a situation a second time where a bankruptcy is necessary. But...it happens. Life happens and often there are unforeseen expenses, medical troubles, loss of job, etc. that result in unmanageable debt and a bankruptcy must be filed a second time.

So, if you have filed bankruptcy in the past and need to file again, the question is, can you? And the answer is you can file bankruptcy again, but whether you file a Chapter 7 bankruptcy or a Chapter 13 bankruptcy will depend on what chapter of bankruptcy you filed previously and whether or not you received a discharge of your debts.

If You Need to File a Chapter 7 Bankruptcy

If your previous case was a Chapter 7 bankruptcy, and you successfully completed it and received a discharge from the court, you cannot file another Chapter 7 bankruptcy and receive a discharge for **eight (8)** years from the day your first case was filed.

If your previous case was a Chapter 13 bankruptcy, and you successfully completed it and received a discharge from the court, you cannot file a Chapter 7 bankruptcy and receive a discharge for **six (6)** years from the day your first case was filed.

If You Need to File a Chapter 13 Bankruptcy

If your previous case was a Chapter 7 bankruptcy, and you successfully completed it and received a discharge from the court, you cannot file a Chapter 13 bankruptcy and receive a discharge for **four (4)** years from the day your first case was filed.

If your previous case was a Chapter 13 bankruptcy, and you successfully completed it and received a discharge from the court, you can file another Chapter 13 bankruptcy after **two (2)** years have passed from the time you filed your first case.

What If You Didn't Receive a Discharge in Your Prior Case?

If you filed for bankruptcy but it was dismissed and you did not receive a discharge of your debts then you can file at any time.

If you have previously filed for bankruptcy and are in a situation where you need to file a second bankruptcy case, I would be happy to discuss your options and help you determine if you qualify to file at this time.

I can be reached at (480) 420-4028 or via email at john@skibalaw.com.