

I filed bankruptcy before and now I need to file again!

I filed bankruptcy before and now I need to file again. Is there a problem with that?

As with many questions, the short answer to that is "it depends". The following are the two issues to consider.

1. Can you discharge (eliminate) your debts in this new bankruptcy?

That depends on the type of bankruptcy you filed before, whether you received a discharge of debts in your prior bankruptcy, and what type of bankruptcy you wish to file now.

The simplest version is ... **If your prior bankruptcy was a Chapter 7** (gets rid of your debts quickly) in which **your debts were discharged**, and **you wish to file another Chapter 7**, then **you must wait eight years after filing your first case before filing the next case in order to get another discharge of debts**.

Less time must pass for other types of bankruptcy, but the details are too complex to include in this short article.

2. Will you get the benefit of the "automatic stay" against your creditors (preventing them from taking or continuing with any action against you to collect a debt) after your case is filed?

If you had two or more bankruptcy cases dismissed within the past year, there is no automatic stay. If you had one bankruptcy case dismissed within the past year, the automatic stay only lasts for 30 days. In both situations, you can ask the court to provide or lengthen the stay.

For example, if you had two or more bankruptcy cases dismissed in the prior year, then you can't stop a foreclosure by filing bankruptcy without first getting the court to provide the stay (which is not certain).

That's all for today except to say, as always, consult with an experienced bankruptcy attorney about issues such as these.

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