IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In Re:	)	
	)	**Administrative Order Governing**
ADMINISTRATIVE ORDER	)	**Certification Requesting Waiver of**
#2005-5 (Amended)	)	**Credit Counseling**
	)	

ORDER

WHEREAS, 11 U.S.C. § 109(h)(1) requires that, as a condition for eligibility for bankruptcy relief, individual debtors must attend a credit counseling briefing session from an approved non-profit credit counseling agency;

WHEREAS, 11 U.S.C. § 109(h1) requires that absent exigent and other circumstances meriting a waiver as set forth in 11 U.S.C.§§ 109(h)(3) and 109(h)(4), such credit counseling briefing must be completed by an individual debtor within the one-hundred and eighty (180) day time period immediately <u>preceding</u> the filing of the debtor's bankruptcy petition;

WHEREAS, 11 U.S.C. § 109 requires that a debtor petitioning for bankruptcy relief must certify to the Court that he or she has completed a pre-bankruptcy credit counseling briefing session (the "Certificate of Counseling"); alternatively, in instances where the briefing was not obtained prior to the filing of the bankruptcy case, certify to the Court the exigent and other circumstances (i.e., disability, incapacity, or military service in a combat zone) meriting a waiver (the "Certification Requesting Waiver of Pre-Bankruptcy Credit Counseling") of the pre-bankruptcy credit counseling requirements set forth in the Bankruptcy Code;

WHEREAS, [Interim] Bankruptcy Rule 1007(b)(3) requires that all individual debtors file the Certificate of Counseling or a Certification Requesting Waiver of Pre-Bankruptcy Credit Counseling contemporaneously with the bankruptcy petition;

WHEREAS, there may be instances where some debtors fail to file the Certificate of Counseling or a Certification Requesting Waiver of Pre-Bankruptcy Credit Counseling upon the commencement of a bankruptcy case; and

WHEREAS, the Court has determined that establishing deadlines for debtors to file a Certificate of Counseling and/or Certification Requesting Waiver of Pre-Bankruptcy Credit Counseling is necessary to the just, speedy and efficient administration of bankruptcy cases filed within this district.

AND NOW, this 2nd day of June, 2006, it is HEREBY ORDERED that:

1.   Where a debtor completes pre-bankruptcy credit counseling briefing session prior to the commencement of the case but fails to file the Certificate of Counseling with the debtor's bankruptcy petition, the Court grants such debtor an additional ~~fifteen (15)~~ fourteen (14)* day extension of time from the petition date to file the Certificate of Counseling.

2.   Where a debtor fails to complete the credit counseling briefing session prior to the commencement of the case and fails to file the Certification Requesting Waiver of Pre-Bankruptcy Credit Counseling with the debtor's bankruptcy petition, the Court grants such debtor an additional ~~fifteen (15)~~ fourteen (14)* day extension of time from the petition date to file the Certification Requesting Waiver of Pre-Bankruptcy Credit Counseling. Upon the timely filing of the Certification Requesting Waiver of Pre-Bankruptcy Credit Counseling, the Court may make a determination without further notice or hearing based upon the certification filed by the debtor as to (a) whether the certification is satisfactory and (b) whether the exigent or other circumstances proffered by the debtor merits a temporary waiver of the pre-bankruptcy credit counseling requirements imposed by 11 U.S.C. § 109(h)(1).

3.   Where the Court determines that a debtor's Certification Requesting Waiver of Pre-Bankruptcy Credit Counseling pursuant to the "exigent circumstances" provisions of 11 U.S.C. §109(h)(3) is unsatisfactory, the Court may dismiss the debtor's bankruptcy case without further notice and/or hearing.

4.   Where the Court determines that a debtor's Certification Requesting Waiver of Pre-Bankruptcy Credit Counseling pursuant to the "exigent circumstances" provisions of 11 U.S.C. §109(h)(3) is satisfactory, and absent further Order of the Court, the debtor shall immediately complete the credit counseling briefing session and file a Certificate of Counseling by no later than thirty (30) days after the date the bankruptcy petition is filed. Where the Court determines that a debtor's Certification Requesting Waiver of Pre-Bankruptcy Credit Counseling is satisfactory pursuant to the disability, incapacity or military service provisions of 11 U.S.C.§ 109(h)(4), the Court may, in its discretion, waive or otherwise modify the credit counseling briefing requirements as set forth in 11 U.S.C. § 109(h).

5.   Where a debtor fails to timely file the Certificate of Counseling and/or the Certification Requesting Waiver of Pre-Bankruptcy Credit Counseling as required by 11 U.S.C. § 109(h), [Interim] Bankruptcy Rule 1007(b)(3) and/or this Order, the Court may dismiss the debtor's bankruptcy case without further notice and/or hearing.

* As amended in General Orders #2009-8 and #2009-10, effective December 1, 2009.

It is FURTHER ORDERED that this Administrative Order relates solely to the time periods for filing of Certificates of Counseling and/or Certifications Requesting Waiver of Pre-Bankruptcy Credit Counseling and nothing in this Administrative Order should be deemed or construed to modify the time periods set forth in 11 U.S.C. § 109 for debtors to obtain the requisite credit counseling briefing from an approved agency.

It is FURTHER ORDERED that this Administrative Order shall not be construed to be a determination of the sufficiency or legal adequacy of the substance of any particular Certification Requesting Waiver of Pre-Bankruptcy Credit Counseling. This Order replaces and supercedes Administrative Order #2005-5 dated January 3, 2006.

/s/
Hon. M. Bruce McCullough
Chief, U.S. Bankruptcy Judge

/s/
Hon. Judith K. Fitzgerald
U.S. Bankruptcy Judge

/s/
Hon. Thomas P. Agresti
U.S. Bankruptcy Judge

/s/
Hon. Warren W. Bentz
U.S. Bankruptcy Judge

/s/
Hon. Bernard Markovitz
U.S. Bankruptcy Judge

/s/
Hon. Jeffery A. Deller
U.S. Bankruptcy Judge