

How Often Can I File Bankruptcy?

I'm often asked if someone can file bankruptcy if they've done that before, or how often they can file bankruptcy. You can actually file bankruptcy at any time, but you won't get rid of ("discharge") your debts unless you meet the timing rules for multiple bankruptcy filings. So let's take a look at those.



Filing a Chapter 7 bankruptcy after a prior Chapter 7

If you received your a discharge of debts in the first Chapter 7, you cannot receive a second discharge in a Chapter 7 that is filed within eight years from the date that the first case was filed.

Filing a Chapter 13 bankruptcy after a prior Chapter 13

If you received your a discharge of debts in the first Chapter 13, you cannot receive a second discharge in a Chapter 13 that is filed within two years from the date that the first case was filed. Because it usually takes three to five years to complete a Chapter 13 repayment plan and receive a discharge, you can typically file for another Chapter 13 and be eligible for a discharge immediately after your first case is closed.

Filing a Chapter 7 bankruptcy after a prior Chapter 13

If you received your a discharge of debts in the first Chapter 13, you cannot receive a second discharge in a Chapter 7 that is filed within six years from the date that the first case was filed. The exceptions to this waiting period are:

- You paid all unsecured creditors in full in the Chapter 13 - or -
- You paid at least 70% of the claims in the Chapter 13 and the plan was proposed in good faith and was your best effort.

Filing a Chapter 13 bankruptcy after a prior Chapter 7

If you received your a discharge of debts in the first Chapter 7, you cannot receive a second discharge in a Chapter 13 that is filed within four years from the date that the first case was filed.

What If You Didn't Receive a Discharge of Debts in the First Case?

If you didn't receive a discharge in the first bankruptcy case, in most cases you can file bankruptcy again without any limits on the second discharge. However, if a discharge was actually denied (for all debts or only some of them) by the judge in the first case, you can file again but you will probably not be entitled to a discharge of the "denied discharge" debts from your first case.

The takeaway is to always check with an experienced bankruptcy attorney!

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