

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT**

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**In re:**

**Credit Counseling Certificate Waiver Requests  
under 11 U.S.C. §109(h)  
in Cases Filed On or After October 17, 2005**

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**Standing Order # 05-04**

**IT IS HEREBY ORDERED** that a debtor seeking a waiver of the credit counseling requirement, in a case filed on or after October 17, 2005, shall comply with the procedure set forth in this Standing Order.

A debtor who is an individual must file with the petition a certificate from the approved nonprofit budget and credit counseling agency that provided the debtor services under §109(h) that describes the services provided to the debtor unless one of the following applies.

- (a) If, in the petition, the debtor requests a temporary waiver of the requirement to obtain budget and credit counseling prior to filing the petition based on exigent circumstances under §109(h)(3), the debtor shall attach to the petition a certification specifying the exigent circumstances and stating that the debtor has requested credit counseling services from an approved nonprofit budget and credit counseling agency but was unable to obtain the services requested during the 5-day period beginning on the date on which the debtor made the request. If the Court deems it necessary, the Court may hold an expedited hearing with 3 days' notice to the parties. In the event the Court grants the debtor's request for a temporary waiver, the debtor shall have 30 days to file with the Court a certificate from the approved nonprofit budget and credit counseling agency. The debtor may move for an additional 15-day extension upon a showing of cause. In the event the debtor does not timely file a certificate within the time frame allowed by the Court, the debtor's case may be dismissed without further hearing.
  
- (b) If in the petition, the debtor requests a permanent waiver of the requirement to obtain budget and credit counseling prior to filing the petition based on incapacity, disability, or active military duty in a military combat zone under §109(h)(4), the debtor shall attach a certification attesting to the basis for the request for the waiver and shall also file a separate motion, to be served upon the case trustee, the United States Trustee, and all creditors. The motion may be noticed under the Court's default procedure, see Vt. LBR 9013-4.

**SO ORDERED.**

October 20, 2005  
Rutland, Vermont



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Colleen A. Brown  
United States Bankruptcy Judge