



CENTRAL VIRGINIA  
LEGAL AID SOCIETY

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**QUESTIONS & ANSWERS FOR CHAPTER 7 BANKRUPTCY APPLICANTS**

**Q: How long will it be until you get to my Chapter 7 bankruptcy?**

A: We are not sure. This depends on how many cases our volunteer private attorneys will take each month. From the time we get all your papers and the needed court filing fees, it can take anywhere between one and three months (or longer) to locate an attorney. Please be patient. Given enough time, legal aid finds a bankruptcy attorney for everyone.

**Q: Why will I get a volunteer private attorney?**

A: Legal Aid has more cases to handle than we have lawyers to handle them. All legal aid bankruptcies are handled by volunteer private attorneys.

**Q: Do I have to pay anything?**

A: You do not have to pay an attorney's fee. The court fee for filing a Chapter 7 bankruptcy is \$338.00. If you cannot afford to pay the fee, either in full at the time of filing or in installments, you may ask the court for permission to file without paying a filing fee. A bankruptcy judge will decide whether you have to pay the fee. You may file for free only if the total gross income – for the people filing bankruptcy – is less than 150% of poverty and you are unable to pay the filing fee in installments.

**What if I can't afford to pay the \$338.00 in bankruptcy court filing fees?**

**Q: Read and follow the "Instructions for People Wanting to File a Chapter 7 Bankruptcy without Paying a Bankruptcy Court Filing Fee."**

A:

**What if I don't want to or can't fill out the paper to ask permission to file without paying a bankruptcy court filing fee?**

**Q:**

You will have to send us a \$338.00 money order or certified check (or two payments of \$169.00) for the bankruptcy court filing fee. Please do not send cash or personal checks.

A:

**Q: Why do you need so much information in the bankruptcy questionnaire?**

A: The bankruptcy court requires you to list all of your current income, any increase in income expected in the next 12 months, all of your expenses, all of your property, all of your debts, and all of your creditors. You must list the name and address of each creditor, the name and address of the attorney (if any) for each creditor, the name and address of each debt collection agency, and the name and address of the attorney (if any) for each debt collection agency. The actual bankruptcy papers filed with the court usually are about 30 pages, or about three times longer than the bankruptcy questionnaire.

**Q: What other information will be needed?**

A: Among other things, the bankruptcy court usually requires your pay stubs or proof of income for the past six months, all of your bank statements for the past six months, your federal & state income tax returns for the past four years, deeds, mortgages, tax assessments, financing statements, security agreements, vehicle titles or DMV certificates, and homestead deeds. If you do not bring all of the needed papers to your volunteer private attorney, you can't file bankruptcy through legal aid.

**Q: Why do I have to go to consumer credit counseling before I file bankruptcy?**

A: The bankruptcy court requires you to get individual or group counseling from an approved consumer credit counseling agency. You must do this within 180 days before you file your bankruptcy. This is why you must go to consumer credit counseling before we send your case to a volunteer private attorney. If you don't go to consumer credit counseling, you can't file bankruptcy through legal aid.

**Q: What happens if I make a mistake in my bankruptcy papers?**

A: Both you and your attorney must make a reasonable effort to be sure everything in your bankruptcy papers is correct. If you or your attorney don't do this, either or both of you may be ordered to pay costs and attorney's fees to your creditors.

**Q: Do I have to go to court?**

A: Yes, at least once and sometimes twice. At the first "meeting of creditors," you are asked questions about your income and property. You must go to this hearing. At the later court date, the "discharge hearing," you get an explanation about discharge. Some courts don't require you to go to this hearing. If there are no problems, it takes about 3 - 4 months from when the attorney starts on your bankruptcy until you get your discharge.

**Q: What if my address, phone number, income or assets change?**

A: If any of these change, you must tell Legal Aid right away. We need to be able to contact you. We also need to know that you continue to be eligible for free legal aid.