

Arizona Bankruptcy Attorney: How Often Can I File For Bankruptcy

By Bankruptcy Attorney John Skiba

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There are times when people who have filed for bankruptcy in the past find it necessary to file again due to difficult financial circumstances. So, the question is, how often can one file for bankruptcy?

As with most legal questions, the answer depends on a few other facts. If you have filed a chapter 7 bankruptcy case and received a discharge in your bankruptcy case at any time within the last 8 years, you are not eligible to receive another discharge in a chapter 7 case. Notice I didn't say you couldn't file another chapter 7 case, you just can't receive another chapter 7 bankruptcy discharge until eight years has passed since your last chapter 7 bankruptcy filing. For example, let's say you filed a chapter 7 bankruptcy in October 2005 and you received a discharge of your debts. You would not be eligible to receive another chapter 7 bankruptcy discharge until October 2013.

If you filed a chapter 7 bankruptcy and received a discharge of your debts, you cannot receive a chapter 13 bankruptcy discharge for four years after your chapter 7 bankruptcy case was filed. So, if you filed a chapter 7 bankruptcy case in October 2005, you could receive a chapter 13 discharge until October 2009.

Chapter 13 bankruptcy cases are handled a little differently. If you filed a chapter 13 bankruptcy case in October 2005 and received a discharge of your debts, you won't be able to get a discharge in a chapter 7 bankruptcy for six years, or until October 2011. If you filed a chapter 13 bankruptcy case in October 2005 and obtained a discharge, you won't be able to get another discharge in a chapter 13 bankruptcy case until two years from your prior chapter 13 bankruptcy discharge.

A key factor in any calculations is whether you obtained a prior discharge. If you filed a prior bankruptcy case but did not receive a discharge of your debts, then these time limitations do not apply.

Bankruptcy attorney John Skiba offers a free bankruptcy consultation to discuss your specific situation. Mr. Skiba can be reached at (480) 464-1111.