

# OOPS! You forgot to list a creditor...now what?

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When you file a [bankruptcy case](#), the law requires that you include every creditor in your filing. A debtor is not allowed to "pick and choose" which debts are included in the case. In fact, intentionally omitting certain debts from your bankruptcy filing could result in your case being dismissed, fines imposed, or even imprisonment if you are found guilty of bankruptcy fraud.

A debtor must undertake a certain amount of due diligence in determining all of his debts and creditors. This why your bankruptcy attorney asks for your account statements, collection notices, credit report, taxes, and other such documentation regarding your finances. But, what happens if you unintentionally omit a creditor?

If you discover your error before you have obtained discharge, you generally can file an amended schedule to include the omitted debt. Certain procedural requirements must be met, so your discharge will be delayed. Still, it is better to include the debt and have no question it was discharged.

If you have received your discharge when you discover the omitted debt, depending on the law in your jurisdiction, the process may be more complex. Your attorney may seek to [re-open your case](#) to include the debt. This procedure is more time-consuming and expensive. It is important to note, however, that some jurisdictions consider debts not included in your filing to have been discharged as well. If this is the case, then your attorney can simply send a letter to the creditor with a copy of your discharge order.

*If you are interested in learning more about Chapter 7, Chapter 11, or Chapter 13 bankruptcy, contact [McDowell Riga Posternock PC](#) at [856-528-3389](tel:856-528-3389). Bankruptcy is designed to give people who are in financial difficulty a "fresh start." Thus, if your debts are causing you undue stress, you should call us for a free initial consultation to discuss whether bankruptcy is the right option for you. Our New Jersey offices are located in Moorestown, Maple Shade, and Willingboro. Our Pennsylvania offices are located in Bryn Mawr and Philadelphia.*