



## **COVID-19 and BANKRUPTCY**

### **FREQUENTLY ASKED QUESTIONS**

**NOTE:** The Frequently Asked Questions below were written to help answer questions we have heard because of the COVID-19 emergency. It is important to have reliable information when dealing with a public health emergency. However, the situation is changing very rapidly and the information below may not be up-to-date. Under normal circumstances, many of the answers may be different. The information that follows is based on Illinois and US laws, regulations, and emergency orders. This information is intended only to be an overview of your rights. Since every case is different, you should not rely on this information as a substitute for an attorney.

#### **Can I still file for bankruptcy?**

Yes, you can still file your bankruptcy case. Lawyers can file your case electronically. You still get all the protections bankruptcy offers even if court hearings are postponed.

Land of Lincoln Legal Aid lawyers are working remotely and will have to make special arrangements for you to review and sign your bankruptcy paperwork. There may be delays in filing non-emergency cases. Please call or email your lawyer with details regarding the status of your case.

If you are not a Land of Lincoln bankruptcy client, you can apply for our services by calling 1-877-342-7891 or you can apply online at [www.lincolnlegal.org](http://www.lincolnlegal.org).

#### **Can my car be repossessed during this public health emergency?**

The Governor issued an Executive Order on March 27, 2020 saying that the laws that allow repossession of cars for nonpayment are suspended. But your lender may still be able to repossess your car if they don't "breach the peace."

#### **Can my creditors still come after me during this public health emergency?**

Right now, there is no governmental order that stops creditors from trying to collect on a debt. Creditor can still call you, send collection letters and bills, or file lawsuits or continue with an already filed lawsuit.

#### **Can my electric company disconnect my electricity because I can't pay the bill?**

Regulated utilities, such as Ameren, have been ordered to stop disconnecting utilities for nonpayment until May 1, 2020. Non-regulated utilities such as electrical co-operatives are strongly encouraged to voluntarily follow the stop order. If you think your utilities will be shutoff, please call your utility company or our office to determine the best course of action.

### **Will I still have to attend my Section 341 “Meeting of Creditors”?**

Yes. After your case is filed you will have to attend your Section 341 “Meeting of Creditors,” but the date of the meeting may change.

*All meetings of creditors scheduled through April 10, 2020 have been postponed until a later date. If your meeting was scheduled before then, please wait to find out your new date. The court may postpone future meetings, too.*

The Bankruptcy courts are deciding whether creditors’ meetings may be done by telephone. Talk to your lawyer or call the bankruptcy court clerk for more details.

If your meeting of the creditors has been reset to a specific date, but you think you are becoming ill and might not be able to attend, call your lawyer immediately so that he/she may try to get your meeting postponed by the bankruptcy court . Stay in touch with your lawyer to see if your meeting of creditors will then be set to another date.

### **Do I still have to make my Chapter 13 Plan payments?**

Yes. If you filed a Chapter 13 bankruptcy, *you must still make all your required plan payments as scheduled.*

Payments will continue to come out of your pay as required. If you are paying the trustee directly, continue to make payments as scheduled. If you have a hardship, such as a temporary layoff due to your employer closing, please call your lawyer for the best course of action. Your lawyer may be able to ask to rollover certain plan payments if you have an emergency.

### **What happens with other court hearings scheduled in my case?**

The court is conducting all hearings by telephone. You usually do not have to go to court hearings unless your lawyer has told you otherwise. Debtors usually do not go to confirmation hearings. Your lawyer appears by telephone for any hearings.

If your lawyer has asked you attend a hearing, please work with them to find out the date and time required for your appearance. The court will be holding some hearings in-person as necessary.

*The court has canceled all “Case Success” hearings. These were optional hearings regarding best practices during bankruptcy. For more information about bankruptcy, contact your attorney or visit the US Court’s website at <https://www.uscourts.gov/services-forms/bankruptcy/bankruptcy-basics>*

### **Where can I find out more information about court hearings and procedures?**

Call your lawyer if you have any questions or concerns. If your case was filed in the Southern District of Illinois (generally the Metro East and Carbondale/Benton areas), you can visit their website at [www.ilsb.uscourts.gov](http://www.ilsb.uscourts.gov). If your case was filed in the Central District of Illinois (generally Springfield and Urbana-Champaign areas), you can visit their website at [www.ilcb.uscourts.gov](http://www.ilcb.uscourts.gov). Look at your bankruptcy paperwork to see the district where your case was filed. The court and your lawyer will send you updated information about court dates and other important information.

**Are there other legal resources available besides Land of Lincoln?**

The Public Interest Law Initiative PILI has set up the COVID-19 Illinois Free Legal Answers Task Force. [Illinois Free Legal Answers](http://il.freelegalanswers.org) is a secure website (il.freelegalanswers.org) where low-income Illinoisans can ask a lawyer a question about a civil legal issue.

You can also call or email the Illinois Lawyer Finder Service. The telephone number is 800-922-8757 and the website is [www.isba.org/public/illinoislawyerfinder](http://www.isba.org/public/illinoislawyerfinder).

Illinois Legal Aid Online also has a lot of legal information at [www.illinoislegalaid.org](http://www.illinoislegalaid.org).

**Land of Lincoln Legal Aid  
Legal Advice & Referral Center  
Phone: (618) 394-7300  
1 (877) 342-7891**

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