

6-29/108.40 Repeat Filings

• 6-29/108.41 Prior Case Filed Within One Year

The automatic stay terminates 30 days after a new case is filed within one (1) year after an earlier dismissed case. However, the court may, after notice and hearing, extend the stay upon showing that the new case is filed in good faith. ([11 USC 362\(c\)\(3\)](#))

• 6-29/108.42 Two or More Prior Dismissed Cases

There is no automatic stay if a debtor files a case after two or more cases were dismissed in the previous year. However, the court may order, after notice and a hearing, that the stay take effect upon a showing that the new case is filed in good faith. ([11 USC 362\(c\)\(4\)](#))

There is a presumption that the new case is filed in bad faith if:

- the debtor filed more than one prior case in the preceding year, or
 - a prior case was dismissed for failure to file documents without substantial excuse, failure to provide adequate protection, or failure to perform the terms of a confirmed plan, or
 - there has been no substantial change of circumstances since the last dismissal that would make the new case likely to be successfully concluded, or
 - a prior case was dismissed after a creditor had filed a motion for relief from the automatic stay.
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