



**U.S. Department of Justice**

Executive Office for United States Trustees

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GUIDANCE

**INSTRUCTIONS FOR APPLICATION FOR APPROVAL AS A PROVIDER OF A PERSONAL FINANCIAL MANAGEMENT INSTRUCTIONAL COURSE**

**Introduction.** In accordance with 11 U.S.C. § 111, as implemented by *Application Procedures and Criteria for Approval of Providers of a Personal Financial Management Instructional Course by United States Trustees*, 28 C.F.R. §§ 58.25 - 58.36 (the “Rule”), a provider of a personal financial management instructional course (a “Provider”) seeking approval by the United States Trustee<sup>1</sup> shall submit an application to the Executive Office for United States Trustees (“EOUST”) in the form described below. The Provider shall provide all information and documents required by the EOUST or United States Trustee responsible for each judicial district in which the Provider seeks approval. Unless otherwise stated, the application and appendices shall be typewritten<sup>2</sup> using the space provided on the form. Necessary attachments shall also be typewritten.

**All Providers should review the Rule thoroughly before completing an application.**

**Application Form and Instructions.** The Application Form and Instructions comprise the following sections:

- Section 1. General Information Concerning the Provider
- Section 2. Provider Names and Personnel
- Section 3. Quality, Experience, and Background in Providing Personal Financial Management Instructional Courses
- Section 4. Learning Materials and Methodologies (Course Curriculum)
- Section 5. Fees and Fee Waivers
- Section 6. Disclosures

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<sup>1</sup> As defined in 28. C.F.R. § 58.25(b)(30), the term “United States Trustee” means, alternatively:

- (i) The Executive Office for United States Trustees
- (ii) A United States Trustee appointed under 28 U.S.C. 581;
- (iii) A person acting as a United States Trustee;
- (iv) An employee of a United States Trustee; or
- (v) Any other entity authorized by the Attorney General to act on behalf of the United States under this part.

<sup>2</sup> “Typewritten” includes completion of the online fillable PDF form, or completion of the form using a word processing application or a typewriter.

- Section 7. Appendices
- Appendix A. Acknowledgments, Agreements, and Declarations in Support of Application for Approval as a Provider of a Personal Financial Management Instructional Course
  - Appendix B. Judicial Districts
  - Appendix C. Business Locations
  - Appendix D. Matrix of Current Instructors
  - Appendix E. Activity Report for Approved Providers
- Section 8. Certification and Signature

Except where a “No Change” (“NC”) box appears, complete all items in the application, even if the requested information has not changed since the most recent application. **Do not leave any items blank.** If the Provider has no information to provide, state “N/A” with respect to the relevant item.

**New Applicants.** Check the box marked “New Applicant” in item 1.1. Complete every item in the application and complete Appendices A through D. Do not check any of the “NC” boxes. Where an item provides alternatives for new applicants and returning applicants, respond as directed for new applicants only.

**Returning Applicants.** Check the box marked “Returning Applicant” in item 1.1. Where an item provides alternatives for new applicants and returning applicants, respond as directed for returning applicants only.

**Statement of No Change for Returning Applicants.** Where an “NC” box appears beside an item, if the Provider’s response to that item is identical to its response in the most recent application, the Provider may check the “NC” box indicating no changes have occurred and continue to the next item. If an item does not offer the option of checking an “NC” box, then the Provider must complete the item even if its response has not changed since the previous application.

**Five Year Requirement for Returning Applicants to Complete Application in Full.** Every five years, returning applicants will be required to complete the application in full, whether or not there are any changes in their responses (the “refreshed application”). Where an “NC” box appears beside an item, the Provider shall check the “NC” box indicating no changes have occurred if the Provider’s response to that item is identical to its response in the most recent application, but the Provider must also answer that question in full. Beginning in January 2023, Providers will be informed one year in advance that they will complete the following year’s application in full.

**Mailing Instructions, Information Requests, and Notifications.** The application should be completed in its entirety, which includes all supplemental documents and information that are requested, before submission to the United States Trustee. An incomplete application may result in delay or denial of the application. Once completed, the application should be sent by one of two permissible delivery methods:

(1) By encrypted electronic mail to the following address:

[deapp@usdoj.gov](mailto:deapp@usdoj.gov)

The application may be submitted in one or more e-mail transmissions to accommodate file size limitations. The maximum size of any e-mail is 10MB. Please include the Provider's name (and Provider number, if previously assigned), in the subject line of all e-mail transmissions. Retain the original application for your records.

(2) By overnight mail to the following address:

Executive Office for United States Trustees  
Debtor Education Application Processing  
441 G Street, N.W.  
Suite 6150  
Washington, D.C. 20548  
(202) 514-4100

As soon after receipt as practicable, the United States Trustee will send the Provider an acknowledgment letter confirming receipt. The principal contact identified in the application shall receive all notices and requests for information. **Correspondence with the United States Trustee should be submitted to the address set forth above, unless otherwise instructed.**

A Provider may also submit an application using another secure method, with prior approval of the United States Trustee.

**Duty to notify the United States Trustee.** The Provider has a continuing duty to promptly notify the United States Trustee of any circumstances that would materially alter or change a response to any section of the application regardless of whether they occur while an application to become an approved Provider is pending before the United States Trustee or after the Provider has been approved. Notification to the United States Trustee must be in writing, signed by an authorized official, and include all pages of the application and/or appendices that are affected by the change. Notification shall be transmitted in the same manner as the application.

The Provider shall immediately notify the United States Trustee in writing of any failure by the Provider to comply with any statutory or regulatory standard or requirement specified in 11 U.S.C. §§ 109 or 111, the Rule, or the terms under which the United States Trustee approved the Provider to act as an approved Provider. Specifically, the Provider shall immediately notify the United States Trustee, in writing, of any of the following events:

(1) Cessation of business by the approved Provider or by any office of the Provider, or withdrawal from any federal judicial district(s) where the approved Provider is approved;

(2) Any investigation of, or any administrative or judicial action brought against, the approved Provider by any governmental unit;

(3) Any action by a governmental unit or a court to suspend or revoke the approved Provider's articles of incorporation, or any license held by the approved Provider, or any authorization necessary to engage in business; or

(4) A suspension, or action to suspend, any accreditation held by the approved Provider, or any withdrawal by the approved Provider of any application for accreditation, or any denial of any application of the approved Provider for accreditation.

**Approval Period and Deadline for Submission of Application for Renewal.** Unless terminated earlier, the Provider approved to provide a personal financial management instructional course for the first time shall be approved for a six-month probationary period. Except as provided below, each approval period after the probationary period shall be for one year. The Provider shall apply no later than 45 days before the expiration of its existing approval period to be considered for renewal. The Provider is responsible for monitoring the expiration date of the current approval period as well as the application deadline, and for timely submitting an application.

So long as the Provider has submitted a complete and timely application for renewal, it may continue to provide an instructional course while its application for renewal is under review by the United States Trustee. If the renewal application is approved for an additional one-year period, that renewal period will begin on a) the date after its current approval period expires, or b) the date the United States Trustee approves the application, whichever is later.

If the Provider does not submit an application for renewal before the expiration of its current approval period, the approval will automatically expire, the Provider no longer will be authorized to act as an approved Provider, and the Provider must apply for a new six-month probationary period before providing an instructional course to debtors pursuant to 11 U.S.C. § 111.

**Amendments.** After approval, the Provider must obtain the United States Trustee's approval before making any of the following changes:

- (1) The engagement of an independent contractor to provide an instructional course;
- (2) Any increase in the fees received from debtors for an instructional course or a change in the Provider's fee policy;
- (3) Expansion into additional federal judicial districts;
- (4) Any changes to the method of delivery the approved Provider employs to provide an instructional course; or
- (5) Any changes in the approved Provider's instructional course.

The Provider shall submit an amended application, reflecting all material changes that will occur due to the changes, and include a newly executed Section 8, "Certification and Signature." **The**

**amended application need only include the items affected by the changes.**

**Limitations on Advertising.** Approved Providers may not contact any debtor utilizing the United States Postal Service or other mail carrier, or electronic mail for the purpose of soliciting debtors to utilize the Provider's instructional course, unless:

(1) any such solicitations include the phrase "This is an advertisement for services" or "This is a solicitation;"

(2) prominently displayed at the beginning of each page of the solicitation;

(3) in a font size larger than or equal to the largest font size otherwise used in the solicitation; and

(4) any such solicitations include only logos, seals, or similar marks that are substantially dissimilar to the logo, seal, or similar mark of any Provider or court of the United States government, including but not limited to the United States Trustee Program.

**Burden Statement.** Respondents are not required to complete this form unless it contains a valid OMB number. The public reporting burden for this application is estimated to average ten hours for an initial application, four hours for a standard re-application, and five hours for a refreshed re-application, including time for reviewing instructions, gathering information, and completing the application. Comments regarding this burden estimate or any other aspect of this application, including suggestions for reducing the burden, should be directed to the Executive Office for United States Trustees, Debtor Education Application Processing, 441 G Street, N.W., Suite 6150, Washington, D.C., 20548.

**Privacy Act Statement.** Section 111 of title 11, United States Code, authorizes the collection of this information. The primary use of this information is by the United States Trustee to approve Providers of personal financial management instructional courses. Disclosure of this information may be to an appropriate federal, state, local, regulatory, tribal, or foreign law enforcement agency when the information indicates a violation or potential violation of law, or to a complainant or victim when such information is necessary to provide an explanation concerning the results of an investigation of which they complained or were a victim. Other disclosures may be made pursuant to the routine uses enunciated in the United States Trustee Program's system of records notice, UST-005, "Credit Counseling and Debtor Education Files and Associated Records." *See* 71 Fed. Reg. 59,818, 59,727-59,830 (Oct. 11, 2006). Additional disclosure of the information may be to district and regional offices of each United States Trustee. The information will not be shared with any other agencies unless allowed by law.

Any person doing business with the federal government must furnish a taxpayer identifying number. 31 U.S.C. § 7701. Furnishing the taxpayer identifying number, as well as other data, is voluntary, but failure to do so may delay or prevent action on the application.

## **APPLICATION AND INSTRUCTIONS**

## **Section 1. General Information Concerning the Provider**

Item 1.1: United States Trustee assigned Provider number. **New applicants:** Enter “N/A” for this item. **Returning applicants:** Provide the four or five digit number the United States Trustee assigned when the Provider first applied for approval as a provider of a personal financial management instructional course.

Item 1.2: Name of Provider. Provide the Provider’s legal name as designated by the state of incorporation or organization.

Item 1.4: Additional names. List all aliases, d/b/a, or fictitious names the Provider currently uses (the Provider should list former names in item 2.1).

Item 1.6: Website(s). Identify all websites, landing pages and destination pages, whether operational or not, owned by the Provider, and the date the website, landing page or destination page was created.

## **Section 2. Provider Names and Personnel**

**Guidelines.** Ethical standards. The Provider may not enter into any referral agreements or receive any financial benefit that involves the Provider paying to or receiving from any entity or person referral fees for the referral of debtors to or by the Provider. The Provider may not enter into agreements involving an instructional course that creates a conflict of interest.

No member of the board of directors or trustees, officer or supervisor of an approved Provider may be a relative of an employee of the United States Trustee, a trustee appointed under 11 U.S.C. § 586(a)(1) for any federal judicial district where the Provider is providing or is applying to provide an instructional course, a federal judge in any federal judicial district where the Provider is providing or is applying to provide an instructional course, or a federal court employee in any federal judicial district where the Provider is providing or is applying to provide an instructional course.

### **Specific Instructions.**

Items 2.2 and 2.3: Current officers, directors, and trustees. Provide information about individuals currently serving as officers, directors, and trustees. “Compensation” includes both direct compensation, such as wages and salaries, and indirect compensation, such as bonuses, deferred compensation, and noncash compensation.

Item 2.4(a) and (b): Referrals. Provide information about individuals or entities who provide referrals to the Provider or receive referrals from the Provider. Disclose oral referral agreements and arrangements as well as written agreements.

Item 2.4(c): Contracts. Disclose all contracts with related individuals or entities, whether or not

they pertain to an instructional course. For purposes of this item, a “related entity” includes a business in which an officer, director or employee of the Provider, or relative of an officer, director or employee of the Provider, owns, manages, controls or holds, directly or indirectly, a 20 percent ownership or financial interest in the business.

Item 2.5: Independent contractors. The term “independent contractor” means a person or entity who provides any goods or services to the Provider other than as an employee and as to whom the Provider does not:

- (1) direct or control the means or methods of delivery of the goods or services being provided;
- (2) make financial decisions concerning the business aspects of the goods or services being provided; or
- (3) have any common employees.

“Independent contractors” do not include instructors employed by the Provider. **Do not list the Provider’s own instructors.** List those on Appendix D.

### **Section 3. Quality, Experience, and Background in Providing Personal Financial Management Instructional Courses**

**Guidelines.** Business experience. The Provider must have adequate experience and background in providing an instructional course. To meet this requirement, the Provider must have experience providing an instructional course for the last two years. If the Provider has not provided an instructional course for the last two years, then it must employ in each office location that provides an instructional course at least one supervisor with experience and background in providing an instructional course for no less than two of the last five years.

Compliance with laws and regulations. The Provider must be in compliance with all applicable laws and regulations of the United States and each state, commonwealth, district, or territory of the United States in which the Provider conducts an instructional course, including all laws governing licensing and registration.

## Specific Instructions.

Item 3.2: Time in business. State the length of time the Provider has offered an instructional course. A Provider with fewer than two years of experience immediately preceding the application date shall complete item 3.3. All other Providers may continue to item 3.4.

Item 3.5: Revocation of accreditation or certification. If the Provider's accreditation was revoked, suspended, or lapsed at any time during the last five years, state the date(s) of revocation, suspension or lapse, and provide a detailed explanation of the circumstances that led to the Provider's accreditation being revoked, suspended, or lapsed. If any instructor's certification was revoked, suspended, or lapsed at any time during the last five years, identify the instructor, identify the relevant date(s) and provide a detailed explanation of the circumstances.

Item 3.7: Financial statements. Provide audited financial statements if they exist. To the extent the Provider has not obtained audited financial statements, the Provider may substitute unaudited financial statements. If the Provider has not commenced operations as of the application date, it may provide *pro forma* financial statements in lieu of audited or unaudited financial statements.

Item 3.8: Litigation. List all legal actions, proceedings, investigations, arbitrations, mediations, and potential bond or other claims, whether pending or adjudicated, in which the Provider, any affiliate listed in the response to item 2.4(c), or any officer, director, trustee, employee, or agent of the Provider is a party, and the outcomes of any such actions.

Item 3.9: Regulatory oversight and investigations. Disclose audits, investigations, and enforcement actions by state and local tax, oversight, and regulatory agencies. **Routine audits performed on an annual or other periodic basis need not be disclosed, except to the extent they form the basis of an enforcement action.**

Item 3.10: Continuing obligation to update. Disclose to the United States Trustee any new actions of the type described in items 3.5, 3.8, and 3.9 that commence during the application review period.

## Section 4. Learning Materials and Methodologies (Course Curriculum)

**Guidelines.** Adequate personal financial management instruction. A personal financial management instructional course shall include the following substantive instruction:

(1) Budget development, which consists of the following:

(A) setting short-term and long-term financial goals, as well as developing skills to assist in achieving these goals;

(B) calculating gross monthly income and net monthly income; and



(C) identifying and classifying monthly expenses as fixed, variable, or periodic;

(2) Money management, which consists of the following:

(A) keeping adequate financial records;

(B) developing decision-making skills required to distinguish between wants and needs, and to comparison shop for goods and services;

(C) maintaining appropriate levels of insurance coverage, taking into account the types and costs of insurance; and

(D) saving for emergencies, for periodic payments, and for financial goals;

(3) Wise use of credit, which consists of the following:

(A) identifying the types, sources, and costs of credit and loans;

(B) identifying debt warning signs;

(C) discussing appropriate use of credit and alternatives to credit use; and

(D) checking a credit rating;

(4) Consumer information, which consists of the following:

(A) identifying public and non-profit resources for consumer assistance; and

(B) identifying applicable consumer protection laws and regulations, such as those governing correction of a credit record and protection against consumer fraud; and

(5) Coping with unexpected financial crisis, which consists of the following:

(A) identifying alternatives to additional borrowing in times of unanticipated events; and

(B) seeking advice from public and private service agencies for assistance.

Providers of telephone services or internet services. In addition to meeting all other requirements, the Provider that provides telephone services or internet services must demonstrate sufficient experience and proficiency in designing and providing services by these methods of delivery, including proficiency in

employing verification procedures to ensure the person receiving the instructional course is the debtor and to determine whether the debtor has completely received the instructional course. Determining whether the debtor has completely received the instructional course means ensuring that the debtor is the same person who both commences and completes the instructional course, and that the debtor completed the instructional course in its entirety. Identity verification requires the Provider to:

- (1) obtain one or more unique personal identifiers from the debtor and assign an individual access code, user ID, or password at the time of enrollment; and
- (2) require the debtor to provide the appropriate access code, user ID, or password, and also one or more of the unique personal identifiers during the course of delivery of the instructional course.

The Provider shall furnish toll-free telephone numbers for both hearing and hearing-impaired debtors whenever telephone communication is required. The Provider shall provide telephone amplification, sign language services, or other communication methods for hearing-impaired debtors.

Course duration. The Provider shall ensure the instructional course contains sufficient learning materials and teaching methodologies so that the debtor receives a minimum of two hours of instruction, regardless of the method of delivery of the course.

Language services. The Provider shall inform debtors with limited English proficiency of the languages it offers.

Prohibition against legal advice. The Provider shall refrain from giving legal advice to debtors.

Certificates of instruction. The Provider agrees to issue certificates of instruction in accordance with the directives established by the United States Trustee. For reference, please consult 28 C.F.R. § 58.35. Note that an approved Provider shall not withhold the issuance of a certificate because of a debtor's failure to submit an evaluation form, though the Provider should make reasonable effort to ensure that debtors complete and submit course evaluation forms. **The approved Provider also shall not withhold issuance of a certificate because of the debtor's failure to obtain a passing grade on a quiz, examination, or test.**

### **Specific Instructions.**

Check the box for each method of delivery for which the Provider seeks approval, and describe any languages, other than English, in which the Provider offers instruction.

Item 4.1: Other instructional or counseling services. List the other types of services the Provider offers, whether or not related to an instructional course, such as housing counseling or student loan counseling.

Item 4.4: Language referrals. List the number of referrals of debtors the Provider provided to other approved Providers for an instructional course based on limited English proficiency, and identify the languages, other than English, requested by such debtors.

Items 4.5 - 4.7: Instructional course process. The Provider that seeks approval to provide more than one delivery method shall provide a complete response for each delivery method. As to each element below, provide examples of instruction or identity verification forms (whether used by the debtor, the instructor, or both), written instructional materials, procedures, manuals, scripts, outlines, and/or guidelines, where applicable. If the listed materials are available on the internet (whether or not accessible to the debtor), provide the URL for the website and, if necessary, instructions for accessing such materials, such as a username and a password. If the listed materials are available only on the Provider's intranet, provide printed screens of all such resource materials. **The Provider shall not unilaterally change its curriculum without prior United States Trustee approval.**

Item 4.5: In-person instruction. Describe the instructional course process, beginning with the process of providing information to or obtaining information from a debtor, and ending with certificate issuance:

- (a) Describe the process of obtaining debtor information and providing mandatory disclosures. If any portion of the information-gathering takes place by telephone or internet, describe that portion in detail and provide the telephone number a debtor calls or the URL for the website where the debtor provides or obtains the information. Provide copies of any and all agreements and consents the Provider requires debtors to sign in connection with the instructional course. If the agreement or consent takes an electronic form, provide the URL for the website where the debtor accesses the form;
- (b) Describe the substance of the instructional course, including a description of the five criteria listed under the Section 4 Guidelines, beginning on page 8, entitled "adequate personal financial management instruction;"
- (c) The Provider shall limit class size to ensure an effective presentation of the instructional course materials. Describe the Provider's policies concerning class size;
- (d) The Provider shall ensure that an instructor is present to instruct and interact with debtors. Describe the Provider's procedures for ensuring that an instructor is present to instruct and interact with debtors; and

- (e) Describe the certificate issuance process, including the timing of certificate issuance and the Provider's policies concerning which personnel may issue certificates.

Item 4.6: Telephone instruction. Describe the instructional course process, beginning with the process of providing information to or obtaining information from a debtor, and ending with certificate issuance:

- (a) Describe the process of obtaining debtor information and providing mandatory disclosures. If any portion of the information-gathering takes place by telephone or internet, describe that portion in detail and provide the telephone number a debtor calls or the URL for the website where the debtor provides or obtains the information. Provide copies of any and all agreements and consents the Provider requires debtors to sign in connection with the instructional course. If the agreement or consent takes an electronic form, provide the URL for the website where the debtor accesses the form;
- (b) Describe the substance of the instructional course, including a description of the five criteria listed under the Section 4 Guidelines, beginning on page 8, entitled "adequate personal financial management instruction;"
- (c) Describe the Provider's experience and proficiency in providing instructional courses over the telephone;
- (d) Describe the Provider's debtor identity verification processes, including the method by which the Provider confirms the identity of the debtor before receiving the instructional course by telephone by:
  - (1) obtaining one or more unique personal identifiers from the debtor and assigning an individual access code, user ID, or password at the time of enrollment; and
  - (2) requiring the debtor to provide the appropriate access code, user ID, or password, and also one or more of the unique personal identifiers during the course of delivery of the instructional course;
- (e) The Provider shall ensure that an instructor is telephonically present to instruct and interact with debtors. Describe the Provider's procedures for ensuring that an instructor is telephonically present to instruct and interact with debtors;
- (f) The Provider shall provide learning materials to debtors before the instructional course begins. Describe the Provider's procedures for providing learning materials to debtors before the instructional course;

- (g) The Provider shall incorporate tests into the curriculum that support the learning materials, ensure completion of the course, and measure comprehension. Describe the Provider's procedures for incorporating such tests into the curriculum;
- (h) The Provider shall ensure tests are reviewed prior to the completion of the instructional course. Describe the Provider's procedures for ensuring such review of tests occurs prior to the completion of the instructional course. Note that the approved Provider shall not withhold issuance of a certificate because of the debtor's failure to obtain a passing grade on a quiz, examination, or test;
- (i) The Provider shall ensure direct oral communication from an instructor by telephone or in person with all debtors who fail to complete the test in a satisfactory manner or who receive less than a 70 percent score. Describe the Provider's procedures for ensuring such direct oral communication from an instructor;
- (j) Describe the criteria the Provider employs to measure the time spent by the debtor to complete the instructional course;
- (k) Provide a complete response to items 4.6(d) - (j) as to spouses receiving joint instruction; and
- (l) Describe the certificate issuance process, including the timing of certificate issuance, the method of delivery to the debtor, and the Provider's policies concerning which personnel may issue certificates.

Item 4.7: Internet instruction. Describe the instructional course process, beginning with the process of providing information to or obtaining information from a debtor, and ending with certificate issuance:

- (a) Describe the process of obtaining debtor information and providing mandatory disclosures. If any portion of the information-gathering takes place by telephone or internet, describe that portion in detail and provide the telephone number a debtor calls or the URL for the website where the debtor provides or obtains the information. Provide copies of any and all agreements and consents the Provider requires debtors to sign in connection with the instructional course. If the agreement or consent takes an electronic form, provide the URL for the website where the debtor accesses the form;
- (b) Describe the substance of the instructional course, including a description of the five criteria listed under the Section 4 Guidelines, beginning on page 8, entitled "adequate personal financial management instruction;"
- (c) Describe the Provider's experience and proficiency in providing instructional courses by internet;

- (d) Describe the Provider's debtor identity verification processes, including the method by which the Provider confirms the identity of the debtor before receiving the instructional course by internet by:
  - (1) obtaining one or more unique personal identifiers from the debtor and assigning an individual access code, user ID, or password at the time of enrollment; and
  - (2) requiring the debtor to provide the appropriate access code, user ID, or password, and also one or more of the unique personal identifiers during the course of delivery of the instructional course;
- (e) The Provider shall incorporate tests into the curriculum that support the learning materials, ensure completion of the course, and measure comprehension. Describe the Provider's procedures for incorporating such tests into the curriculum;
- (f) The Provider shall ensure tests are reviewed prior to the completion of the instructional course. Describe the Provider's procedures for ensuring such review of tests occurs prior to the completion of the instructional course. Note that the approved Provider shall not withhold issuance of a certificate because of the debtor's failure to obtain a passing grade on a quiz, examination, or test;
- (g) The Provider shall ensure direct communication from an instructor by electronic mail, live chat, or telephone with all debtors who fail to complete the test in a satisfactory manner or who receive less than a 70 percent score. Describe the Provider's procedures for ensuring such direct communication from an instructor;
- (h) Describe the criteria the Provider employs to measure the time spent by the debtor to complete the instructional course;
- (i) The Provider shall respond to a debtor's questions or comments within one business day. Describe the Provider's procedures for responding to a debtor's questions or comments within one business day;
- (j) Provide a complete response to items 4.7(d) - (i) as to spouses receiving joint instruction; and
- (k) Describe the certificate issuance process, including the timing of certificate issuance, the method of delivery to the debtor, and the Provider's policies concerning which personnel may issue certificates.

## **Section 5. Fees and Fee Waivers.**

**Guidelines.** Fees. The Provider shall charge reasonable fees for, or relating to, an instructional course. A fee of less than or equal to \$50 is presumed reasonable; fees in excess of \$50 are presumed not reasonable and require prior approval of the United States

Trustee. The Provider may exceed the presumptively reasonable fee after receiving approval from the United States Trustee, by demonstrating, at a minimum, that its costs for delivering the instructional course justify the requested fee. The Provider bears the burden of establishing that its proposed fee is reasonable.

Fee waivers. The Provider must provide services without regard to a debtor's ability to pay the fee. A debtor is presumptively entitled to a fee waiver if the debtor's current household income is less than 150 percent of the poverty guidelines updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. § 9902(2), as adjusted from time to time, for a household or family of the size involved in the fee determination. The Provider may rebut the presumption, and charge a reduced fee, if it determines, based on income information the debtor submits in connection with the instructional course, that the debtor is able to pay the fee in a reduced amount.

## **Specific Instructions.**

### Item 5.1: Fees.

- (a) Types of fees. Disclose all fees charged for the instructional course, including additional fees for certificate issuance. If the Provider charges different fees based on delivery method (*e.g.*, in-person, telephone, and internet instruction), disclose the different fees and specify the applicable delivery method.
- (b) Fee reductions and special rates. Do not include reductions based on inability to pay in your response to this item. Disclose such fee waivers and fee reductions in the response to item 5.2(a). If the Provider charges a reduced or discounted rate for spouses who take the course together, disclose the joint rate as well as the individual rate. If the Provider charges reduced rates based on criteria other than ability to pay, such as reduced rates to debtors of certain attorneys or law firms, or debtors obtained through referrals, state the reduced rate and specify the basis for the reduction and the identity of the individual or entity serving as the basis for reduction. If the reduction is pursuant to oral or written agreement, or is in consideration of a referral agreement or arrangement, disclose such agreements or arrangements in response to item 2.4. **The Provider shall immediately notify the United States Trustee in writing of any decrease in its fee.**
- (c) Fee communication to debtors; disclosures. State whether the disclosures are communicated to debtors orally, by recording, in writing, or electronically (for example, via the internet or e-mail). Specify the timing of disclosures to debtors. Provide the URL for electronic disclosures. Include copies of all written and electronic disclosures in response to section 6; do not include copies of the disclosures here.
- (d) Fees exceeding \$50 per debtor. If the Provider has been approved to charge a fee

over \$50 per debtor in connection with a prior application, the Provider need not provide a fee justification in connection with this application unless the Provider seeks a further increase in any of its fees. If the Provider seeks an increase over \$50 per debtor for the first time, or seeks to increase an existing fee in excess of \$50 per debtor, the Provider shall provide appropriate documentation demonstrating that its costs for providing the instruction exceed the proposed fee. **The Provider shall not unilaterally increase its fee without prior United States Trustee approval.**

Item 5.2: Fee waiver and fee reduction.

- (a) Fee waiver policies. Fully describe any and all fee waiver and fee reduction policies based on the debtor's ability to pay, including those policies at the discretion of the Provider or instructor, such as the debtor's net worth, dependence on government assistance, or receipt of *pro bono* legal services in connection with a bankruptcy case.
- (b) Fee waiver disclosure. State whether the fee waiver disclosures are communicated to debtors orally, by recording, in writing, or electronically (for example, via the internet or e-mail). Specify the timing of disclosures to debtors. Provide the URL for electronic disclosures. Include copies of all written and/or electronic disclosures in response to section 6; do not include copies of the disclosures here.

**Section 6. Disclosures**

**Guidelines.** Generally. The Provider shall make mandatory disclosures prior to providing any information to or obtaining any information from a debtor, and prior to providing the instructional course. The Provider may use more than one form to communicate the required disclosures, including intake sheets, debtor agreements, welcome letters or similar documents, but one form is preferable. The written form and the electronic form, if any, must be consistent.

Mandatory disclosures. The list of mandatory disclosures includes:

- (1) The Provider's fee policy, including any fees associated with generation of the certificate;
- (2) The Provider's policies enabling debtors to obtain an instructional course for free or at reduced rates based upon the debtor's lack of ability to pay. To the extent an approved Provider publishes information concerning its fees on the internet, such fee information must include the Provider's policies enabling debtors to obtain an instructional course for free or at reduced rates based upon the debtor's lack of ability to pay;
- (3) The Provider's policy to provide free bilingual instruction or professional interpreter assistance to any limited English proficient debtor;



- (4) The instructors' qualifications;
- (5) The Provider's policy prohibiting it from paying or receiving referral fees for the referral of debtors;
- (6) The Provider's obligation to provide a certificate to the debtor promptly upon the completion of an instructional course;
- (7) The fact that the Provider might disclose debtor information to the United States Trustee in connection with the United States Trustee's oversight of the Provider, or during the investigation of complaints, during on-site visits, or during quality of service reviews;
- (8) The fact that the United States Trustee has reviewed only the Provider's instructional course (and, if applicable, its services as a credit counseling agency pursuant to 11 U.S.C. § 111(c)), and the fact that the United States Trustee has neither reviewed nor approved any other services the Provider provides to debtors; and
- (9) The fact that a debtor will only receive a certificate if the debtor completes an instructional course.

### **Specific instructions.**

Provide copies of any and all disclosures the Provider supplies debtors in connection with the instructional course. If the Provider also provides an electronic disclosure, provide the URL for the webpages evidencing those disclosures. Ensure that the Provider's responses to items 4.5(a), 4.6(a), and 4.7(a) describe the timing of the disclosures to the debtor.

### **Section 7. Appendices**

**New applicants:** Complete Appendices A, B, C, and D. Do not complete Appendix E.

**Returning applicants:** Complete Appendices A, B, C, D, and E.

#### Appendix A: Acknowledgments, Agreements, and Declarations in Support of Application for Approval as a Provider of a Personal Financial Management Instructional Course.

By executing and submitting the Application for Approval as a Provider of a Personal Financial Management Instructional Course, the Provider acknowledges and agrees to comply with the prohibitions, limitations, and obligations set forth in Appendix A, Acknowledgments, Agreements, and Declarations in Support of Application for Approval as a Provider of a Personal Financial Management Instructional Course.

Appendix B: Judicial Districts.

Check the box for each judicial district in which the Provider seeks approval. The Provider is responsible for ensuring that it complies with all applicable laws and regulations of the United States and each state, district, commonwealth, or territory of the United States in which it seeks approval from the United States Trustee.

After approval, the Provider must submit an amended application to add judicial districts. A Provider that withdraws from any judicial district where it is approved must immediately notify the United States Trustee in writing.

Appendix C: Business Locations.

List the Provider's business locations and specify whether in-person services are available at each listed location.

Appendix D: Matrix of Current Instructors.

The Provider shall use only instructors who possess adequate experience providing an instructional course, which means that each instructor either:

(a) holds one of the certifications listed below and who has complied with all continuing education requirements necessary to maintain that certification:

- (1) certified as a Certified Financial Planner;
- (2) certified as a credit counselor by an accrediting organization;
- (3) registered as a Registered Financial Consultant; or
- (4) certified as a Certified Public Accountant; or

(b) has successfully completed a course of study or worked a minimum of six months in a related area such as personal finance, budgeting, or credit or debt management. A course of study must include training in personal finance, budgeting, or credit or debt management. An instructor shall also receive annual continuing education in the areas of personal finance, budgeting, or credit or debt management. The United States Trustee Program does not endorse any specific course or certification program.

Complete the requested information regarding the basis for certification and experience for each instructor. For each instructor who is certified by an independent organization, attach a statement to Appendix D setting forth the organization's name, contact information, and the criteria for obtaining the certification. Instructors must satisfy an annual continuing education requirement.

## Appendix E: Activity Report for Approved Providers.

Appendix E applies only to Providers who have previously been approved by the United States Trustee and are seeking re-approval. **If the Provider has not yet been approved by the United States Trustee as an approved Provider, do not submit Appendix E with the application.**

The relevant time periods for Appendix E are January 1-June 30 and July 1-December 31 of each year. After a Provider has been approved, it must submit a completed Appendix E by January 31 and July 31 of every year. Attach Appendix E for the most recent six-month period when submitting an application.

Q7: Certificates issued at reduced cost. Include data only for fee reductions based on ability to pay. Do not include reductions based on criteria independent of ability to pay, such as arrangements with attorneys, referrals, or joint debtor discounts.

### **Section 8. Certification and Signature**

The Provider has a continuing duty to promptly notify the United States Trustee of any circumstances that would materially alter or change a response to any section of the application, during the application process or otherwise. Notification must be in writing, include all pages of the application and/or appendices that are affected by the change and a newly executed “certification and signature.”

By signing the application, the Provider’s president, chairman, trustee, or other authorized representative declares that he or she is authorized to complete the application on behalf of the Provider; that he or she has read and knows the contents of the application and all enclosures and attachments submitted; and that he or she affirms, under penalty of perjury, that all of the representations and statements contained therein are true and correct to the best of that individual’s knowledge, information, and belief.



OMB No. 1105-0085 Approval Expires \_\_\_\_\_

**U.S. Department of Justice**

Executive Office for United States Trustees

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GUIDANCE

**SUPPLEMENTAL**  
**INSTRUCTIONS FOR APPLICATION FOR APPROVAL AS A PROVIDER**  
**OF A PERSONAL FINANCIAL MANAGEMENT INSTRUCTIONAL COURSE**  
**FOR ACCREDITED UNIVERSITIES AND COMMUNITY COLLEGES**

**Introduction.** The United States Trustee Program has determined that accredited universities and community colleges are eligible to apply to become providers of personal financial management instructional courses using a streamlined version of the Application for Approval as a Provider of a Personal Financial Management Instructional Course (the “Application”).

**Instructions.** Accredited universities and community colleges should obtain a copy of the: (1) Application; and (2) Instructions for Application for Approval as a Provider of a Personal Financial Management Instructional Course from the United States Trustee’s website located at [www.usdoj.gov/ust](http://www.usdoj.gov/ust).

**New Applicants.** Check the box marked “New Applicant” in item 1.1. Complete every item in the Application and Appendices A through D. Do not check any of the “NC” (No Change) boxes. Where an item provides alternatives for new applicants and returning applicants, respond as directed for new applicants only.

**Returning Applicants.** Check the box marked “Returning Applicant” in item 1.1. Where an item provides alternatives for new applicants and returning applicants, respond as directed for returning applicants only.

**Statement of No Change for Returning Applicants.** Where a “NC” box appears beside an item, if the Provider’s response to that item is identical to its response in the most recent application, the Provider may check the “NC” box indicating no changes have occurred and continue to the next item. If an item does not offer the option of checking a “NC” box, then the Provider must complete the item even if its response has not changed since the previous application.

**Five Year Requirement for Returning Applicants to Complete Application in Full.** Every five years, returning applicants will be required to complete the application in full, whether or not there are any changes in their responses. Where an “NC” box appears beside an item, the Provider shall check the “NC” box indicating no changes have occurred if the Provider’s response to that item is identical to its response in the most recent application, but the Provider must also answer that question in full. Beginning in January 2023, Providers will be informed one year in advance that they will complete the following year’s application in full.

Notwithstanding the directions contained in the Instructions, accredited universities and community colleges must complete only the following portions of the Application:

**Section 1. General Information Concerning the Provider**

Complete all of section 1.

**Section 4. Learning Materials and Methodologies (Course Curriculum)**

Complete “Teaching Methods” and Sections: 4.2 - 4.9.

**Section 5. Fees and Fee Waivers**

Complete all of section 5.

**Section 6. Disclosures**

Complete all of section 6.

**Section 7. Appendices.**

Complete all of section 7.

**Section 8. Certification and Signature**

Execute Application as set forth in section 8.

Completed applications should be submitted to the Executive Office for United States Trustees in accordance with the Instructions for the Application. For questions regarding submission of an application pursuant to these Supplemental Instructions, please call (202) 514-4100.



**U.S. Department of Justice**

Executive Office for United States Trustees

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GUIDANCE

**APPLICATION FOR APPROVAL AS A PROVIDER OF A PERSONAL FINANCIAL MANAGEMENT INSTRUCTIONAL COURSE**

**Introduction.** In accordance with 11 U.S.C. § 111, as implemented by *Application Procedures and Criteria for Approval of Providers of a Personal Financial Management Instructional Course by United States Trustees*, 28 C.F.R. §§ 58.25 - 58.36 (the “Rule”), a provider of a personal financial management instructional course (a “Provider”) seeking approval by the United States Trustee shall submit an application to the Executive Office for United States Trustees (“EOUST”) in the form described below and in the accompanying Instructions for Application for Approval as a Provider of a Personal Financial Management Instructional Course (the “Instructions”). The Provider shall provide all information and documents required by the EOUST or the United States Trustee responsible for each judicial district in which the Provider seeks approval. Unless otherwise stated, the application and appendices shall be typewritten<sup>1</sup> using the space provided on the form. Necessary attachments shall also be typewritten.

An application is complete when all sections of the application have been addressed and copies of the documents requested in the application are attached. Failure to file a complete application may result in processing delay or denial of the application. If additional space is required to complete a response, attach a separate page with the name of the Provider, the federal tax identification number, if applicable, and the item number indicated on the top, right-side of the page.

Except where a “No Change” (“NC”) box appears, complete all items in the application, even if the requested information has not changed since the most recent application. **Do not leave any items blank.** If the Provider has no information to provide, state “N/A” with respect to the relevant item. Please see the accompanying Instructions for detailed guidance on completing each item.

**New Applicants.** Check the box marked “New Applicant” in item 1.1. Complete every item in the application and complete Appendices A through D. Do not check any of the “NC” boxes. Where an item provides alternatives for new applicants and returning applicants, respond as directed for new applicants only.

**Returning Applicants.** Check the box marked “Returning Applicant” in item 1.1. Where an item provides alternatives for new applicants and returning applicants, respond as directed for returning applicants only.

**Statement of No Change for Returning Applicants.** Where a “NC” box appears beside an item, if the Provider’s response to that item is identical to its response in the most recent application, the Provider may check the “NC” box indicating no changes have occurred and continue to the next item. If an item does not offer the option of checking a “NC” box, then the Provider must complete the item even if its response has not changed since the previous application.

**Five Year Requirement for Returning Applicants to Complete Application in Full.** Every five years, returning applicants will be required to complete the application in full, whether or not there are any changes in their responses (the “refreshed application”). Where an “NC” box appears beside an item, the Provider shall check the “NC” box indicating no changes have occurred if the Provider’s response to that item is identical to its response in the most recent application, but the Provider must also answer that question in full. Beginning in January 2023, Providers will be informed one year in advance that they will complete the following year’s application in full.

**Burden Statement.** Respondents are not required to complete this form unless it contains a valid OMB number. The public reporting burden for this application is estimated to average ten hours for an initial application, four hours for a standard re-application, and five hours for a refreshed re-application, including time for reviewing instructions, gathering information, and completing the application. Comments regarding this burden estimate or any or other aspect of this application, including suggestions for reducing the burden, should be directed to the

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<sup>1</sup> “Typewritten” includes completion of the online fillable PDF form, or completion of the form using a word processing application or a typewriter.

**Section 1. General Information Concerning the Provider**

1.1 Check only one box.

**New Applicant.**

**Returning Applicant.** Check here and provide the United States Trustee assigned Provider number: \_\_\_\_\_

1.2 Name of Provider: \_\_\_\_\_

1.3 Federal Tax Identification Number of Provider, if applicable: \_\_\_\_\_

1.4 Additional names currently being used, including any d/b/a:

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1.5 Primary business address:

Street address:	Mailing address: (if different)
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1.6 Telephone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

Website(s): \_\_\_\_\_

1.7 Principal contact for the Provider:

Name:	Title: _____
Email address: _____	
If different from primary business address:	
Telephone No.: _____	Fax No.: _____
Mailing address: _____	



- 1.8 Provider is:  Corporation  Institute of Higher Education  
 Partnership  Limited Liability Partnership  
 Limited Liability Corp.  Other: \_\_\_\_\_

1.9 State of organization: \_\_\_\_\_ Date of organization: \_\_\_\_\_

**Section 2. Provider Names and Personnel**

NC  2.1 List all **former names, f/k/a, and mailing addresses** used by the Provider other than those listed on items 1.2, 1.4 and 1.5.

**New Applicants:** Supply the requested information for the most recent three years.  
**Returning Applicants:** Supply the requested information for the most recent year.

NC  2.2 Identify the **current officers** and provide his or her: 1) title; 2) principal occupation; 3) employer name; and 4) amount of direct or indirect compensation (including deferred compensation and other financial benefits). Attach a resume for each officer who has served less than one year.

NC  2.3 Identify the **current directors and trustees** and provide his or her: 1) title; 2) principal occupation; 3) employer name; and 4) amount of direct or indirect compensation (including deferred compensation and other financial benefits). Attach a resume for each director or trustee who has served less than one year.

NC  2.4 **Contracts and Referrals.**

(a) **Referrals to the Provider.** Identify each individual or entity that regularly refers debtors to the Provider, and provide the following: 1) the individual or entity’s mailing address, telephone number, e-mail address, and web address; 2) whether referred debtors receive a discount from the Provider’s ordinary instructional course fee; and 3) copies of

any written contracts or agreements. This includes all oral and written agreements with attorneys who refer clients to the Provider.

**New Applicants:** Supply the requested information for the most recent two years.

**Returning Applicants:** Supply the requested information for the most recent year.

(b) **Referrals by the Provider.** Identify each individual or entity to whom the Provider regularly refers or has referred debtors, and provide the following: 1) the individual or entity’s mailing address, telephone number, e-mail address, and web address; 2) whether referred debtors receive a discount from the Provider’s ordinary instructional course fee; and 3) copies of any written contracts or agreements.

**New Applicants:** Supply the requested information for the most recent two years.

**Returning Applicants:** Supply the requested information for the most recent year.

(c) **Contracts.** To the extent the Provider has engaged in transactions with its officers, directors, shareholders, affiliates, subsidiaries, or related individuals or entities, identify the individual or entity and provide the following: 1) the individual or entity’s mailing address, telephone number, e-mail address, and web address; and 2) copies of any written contracts or agreements.

**New Applicants:** Supply the requested information for the most recent two years.

**Returning Applicants:** Supply the requested information for the most recent year.

NC  2.5

**Independent Contractors.** Identify each independent contractor that performs instructional course services or other services on behalf of the Provider, and provide the following: 1) the contractor’s mailing address, telephone number, e-mail address, and web address and 2) copies of any written contracts or agreements.



**Section 3. Quality, Experience, and Background in Providing Personal Financial Management Instructional Courses**

- 3.1 How long has the Provider been in business? \_\_\_\_\_Years \_\_\_\_\_Months
- 3.2 How long has the Provider provided personal financial management instructional courses?  
\_\_\_\_\_Years\_\_\_\_\_Months
- 3.3 If the response to item 3.2 is less than 2 years, complete this item. Otherwise, check the “N/A” box and continue to item 3.4.

N/A

For each location that serves debtors, does the Provider employ at least one office supervisor with experience and background in providing financial management instructional courses for no fewer than two of the last five years?

- Yes.
- No.

Attach the following to the application:

- (a) Identify the individual who will serve as the supervisor for each office offering instructional courses and attach a resume describing that individual’s experience and educational background.

Names: \_\_\_\_\_

**Documents are attached.**

- NC  3.4 List the Provider’s accreditations by accrediting organizations. Do not list instructor certifications here. List those on Appendix D.

- NC  3.5 If the Provider’s accreditation was revoked, suspended, or lapsed at any time during the last five years, state the dates and circumstances. If any instructor’s certification was revoked, suspended, or lapsed at any time during the last five years, identify the instructor and state the dates and circumstances.

**New Applicants:** Supply the requested information for the most recent five years.

**Returning Applicants:** Supply the requested information for the most recent year.

- NC  3.6 List each state in which the Provider is licensed or certified to conduct financial education services. For each state identified, also identify the state regulatory body that issued the license or certificate and the license or certificate number, if any.

- 3.7 Attach the most recent year-end financial statements prepared in accordance with generally accepted accounting principles. If no audited financial statements were prepared, provide unaudited financial statements.

**Documents are attached.**

- NC  3.8 List all legal actions, proceedings, investigations, arbitrations, mediations, and potential bond or other claims, whether pending or adjudicated, in which the Provider, any affiliate listed in the response to item 2.4(c), or any officer, director, trustee, employee, or agent of the Provider is a party, and the outcomes of any such actions.

**New Applicants:** Supply the requested information for the most recent three years.

**Returning Applicants:** Supply the requested information for the most recent year.

- NC  3.9 List all audits, disciplinary or enforcement actions by any applicable tax, oversight, licensing, registration, or certification body against the Provider, any affiliate listed in the response to item 2.4(c), or any officer, director, trustee, employee, or agent of the Provider, and the outcomes of any such actions.

**New Applicants:** Supply the requested information for the most recent three years.

**Returning Applicants:** Supply the requested information for the most recent year.

3.10 **Continuing obligation to update.** If any action described in items 3.5, 3.8 or 3.9 occurs while the application is pending, or the status of any existing action described in items 3.5, 3.8 or 3.9 changes while the application is pending, the Provider must promptly notify the United States Trustees at the address identified in the Instructions.

I certify that I will notify the United States Trustee under the circumstances described above.

**Section 4. Learning Materials and Methodologies (Course Curriculum)**

**Teaching Methods:**

<b>In-Person:</b>	<b>Telephone:</b>	<b>Internet:</b>
<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
Languages Offered:  	Languages Offered:  	Languages Offered:  

NC  4.1 List all other instructional courses or services that the Provider provides.

NC  4.2 Describe the Provider’s continuing education policy for instructors.

NC  4.3 State the average duration of an instructional course in hours and minutes.

Classroom: <div style="border: 1px solid black; height: 20px;"></div>	Telephone: <div style="border: 1px solid black; height: 20px;"></div>	Internet: <div style="border: 1px solid black; height: 20px;"></div>
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NC  4.4 List the number of referrals of debtors for an instructional course based on limited English proficiency, and identify the languages, other than English, requested by such debtors.

**New Applicants:** Supply the requested information for the most recent two years.

**Returning Applicants:** Supply the requested information for the most recent year.

## Sections 4.5 - 4.7: Instructional Methods and Procedures.

Please see the Instructions before completing this section for required information and guidelines.

**New Applicants:** Complete each applicable item. Supply responses on a separate attachment. A Provider that seeks approval to provide more than one delivery method shall provide a complete response for each delivery method.

**Returning Applicants:** If the Provider has made no changes to its instructional methods or procedures since the previous application as approved, check “NC” where applicable and proceed to item 4.8. **The Provider shall not unilaterally change its curriculum without prior United States Trustee approval.**

- NC  4.5 In-person instruction. Describe the instructional course process, beginning with the process of providing information to or obtaining information from a debtor, and ending with certificate issuance. Include the following elements:
- (a) The process of obtaining debtor information and providing mandatory disclosures;
  - (b) The substance of the instructional course;
  - (c) The Provider’s policies concerning class size;
  - (d) The Provider’s procedures for ensuring that an instructor is present to instruct and interact with debtors; and
  - (e) The certificate issuance process, including the timing of certificate issuance and the Provider’s policies concerning which personnel may issue certificates.
- NC  4.6 Telephone instruction. Describe the instructional course process, beginning with the process of providing information to or obtaining information from a debtor, and ending with certificate issuance. Include the following elements:
- (a) The process of obtaining debtor information and providing mandatory disclosures;
  - (b) The substance of the instructional course;
  - (c) The Provider’s experience and proficiency in providing an instructional course over the telephone;
  - (d) The Provider’s debtor identity verification processes;
  - (e) The Provider’s procedures for ensuring that an instructor is telephonically present to instruct and interact with debtors;
  - (f) The Provider’s procedures for providing learning materials to debtors before the telephone instructional course session;

- (g) The Provider's procedures for incorporating tests into the curriculum that support the learning materials, ensure completion of the course, and measure comprehension;
- (h) The Provider's procedures for ensuring review of tests prior to the completion of the instructional course;
- (i) The Provider's procedures for ensuring direct oral communication from an instructor by telephone or in person with all debtors who fail to complete the test in a satisfactory manner or who receive less than a 70% score;
- (j) The criteria the Provider employs to measure the time spent by the debtor to complete the instructional course;
- (k) A complete response to items 4.6(d) - (j) as to spouses receiving joint instruction; and
- (l) The certificate issuance process, including the timing of certificate issuance and the Provider's policies concerning which personnel may issue certificates.

NC  4.7

Internet instruction. Describe the instructional course process, beginning with the process of providing information to or obtaining information from a debtor, and ending with certificate issuance. Include the following elements:

- (a) The process of obtaining debtor information and providing mandatory disclosures;
- (b) The substance of the instructional course;
- (c) The Provider's experience and proficiency in providing instructional courses over the internet;
- (d) The Provider's debtor identity verification processes;
- (e) The Provider's procedures for incorporating tests into the curriculum that support the learning materials, ensure completion of the course, and measure comprehension;
- (f) The Provider's procedures for ensuring review of tests prior to the completion of the instructional course;
- (g) The Provider's procedures for ensuring direct communication from an instructor by electronic mail, live chat, or telephone with all debtors who fail to complete the test in a satisfactory manner or who receive less than a 70% score;
- (h) The criteria the Provider employs to measure the time spent by the debtor to complete the instructional course;
- (i) The Provider's procedures for responding to a debtor's questions or comments within one business day;
- (j) A complete response to items 4.7(d)-(i) as to spouses receiving joint instruction; and



(k) The certificate issuance process, including the timing of certificate issuance and the Provider's policies concerning which personnel may issue certificates.

NC  4.8 Describe the Provider's procedures concerning completion and submission of course evaluation forms by debtors. Attach a copy of the proposed evaluation form. Note that certificate issuance may not be withheld based on a debtor's failure to submit a course evaluation form or failure to obtain a passing grade on a quiz, examination, or test.

NC  4.9 Attach copies of written standards, manuals, procedures, or guidelines, if any, the Provider supplies to its instructors relating to the matters set forth in items 4.5 through 4.7.

**Section 5. Fees and Fee Waivers.**

**5.1 Fees**

(a) List all fees and contributions paid by the debtor in connection with the instructional course.

(b) List any reduced rates and the reason for such reduction, including discounts or special rates for debtors referred by any attorney or law firm, or special rates for spouses who take the course together, based on criteria other than ability to pay. **The Provider shall immediately notify the United States Trustee in writing of any decrease in its fee.**

(c) List all attorneys or law firms from whom the Provider directly or indirectly accepts, or to whom the Provider provides reduced rates or discounts (including coupons) in connection with financial education services.

(d) Describe how the Provider discloses to debtors its fees, and reduced rates or discounts identified in (a), (b), and (c) and describe the timing of disclosures.

(e) If the Provider seeks fees in excess of \$50 per debtor, describe the basis for the fee increase and provide a cost-based justification. Please see the Instructions. **The Provider shall not unilaterally increase its fee without prior United States Trustee approval.**

**5.2 Fee waivers.**

(a) Describe any and all fee waiver and fee reduction policies based on the debtor's ability to pay.

(b) Describe how the Provider discloses to the debtor its fee waiver or fee reduction policies based on the debtor's ability to pay, and describe the timing of disclosures.

**Section 6. Disclosures**

Attach copies of all disclosure forms that will be provided to debtors. Please see the Instructions for a complete list of mandatory disclosures.

**Disclosure documents are attached.**

**Section 7. Appendices** (to be completed and attached to the application)

**New Applicants:** Complete Appendices A, B, C, and D. Do not complete Appendix E.  
**Returning Applicants:** Complete Appendices A, B, C, D, and E.

7.1 Appendix A: Acknowledgments, Agreements, and Declarations in Support of Application for Approval as a Provider of a Personal Financial Management Instructional Course.

- 7.2 Appendix B: Judicial Districts.
- 7.3 Appendix C: Business Locations.
- 7.4 Appendix D: Matrix of Current Instructors. For each location listed on Appendix C that will be staffed by instructors providing instructional courses to debtors, enter the instructor's name in the employee box and complete the information as instructed.
- 7.5 Appendix E: Activity Report for Approved Personal Financial Management Instructional Course Providers. If the Provider has never been approved to provide an instructional course, do not complete Appendix E.

**Documents are attached.**

**Section 8. Certification and Signature**

I declare under penalty of perjury that I am authorized to complete this application on behalf of the above named organization; I have examined the contents of the application, enclosures, and other accompanying documents; the application does not falsify, conceal, cover up by any trick, scheme or device a material fact; the application does not make any materially false, fictitious or fraudulent statement or representation; the documents provided with this application are authentic, complete, and accurate and do not make any materially false, fictitious or fraudulent statement or representation; and all representations are true and correct to the best of my knowledge, information, and belief.

\_\_\_\_\_  
Signature of President, Chairman, Trustee, or Other  
Authorized Representative

\_\_\_\_\_  
Type or Print Name of Signer

\_\_\_\_\_  
Type or Print Title of Signer

\_\_\_\_\_  
Date

**Appendix A: Acknowledgments, Agreements, and Declarations**  
**in Support of Application for Approval as a Provider**  
**of a Personal Financial Management Instructional Course**

(Application for Approval as a Provider of a Personal Financial Management Instructional Course)

**Name of Provider:** \_\_\_\_\_

The Provider hereby assures and certifies compliance with all applicable federal statutes, regulations, policies, guidelines, and requirements including, but not limited to, 11 U.S.C. §§ 109(h) and 111. The Provider also specifically assures, certifies, and agrees that:

1. It is in compliance with all applicable laws and regulations of the United States and each state, commonwealth, district, or territory of the United States in which the Provider seeks approval from the United States Trustee.
2. It will comply with the policies and directives of the United States Trustee and the Executive Office for United States Trustees, as may be issued from time to time.
3. It will make all records relating to the Provider's compliance with 11 U.S.C. § 111 available to the United States Trustee upon request and cooperate with the United States Trustee for any scheduled or unscheduled on-site visits and customer service audits, notwithstanding the existence of any contrary privacy policy or agreement.
4. It will cooperate with the United States Trustee and the Executive Office for United States Trustees and timely respond to any questions or inquiries concerning the Provider's operations and services.
5. It shall immediately notify the United States Trustee, in writing, of any material changes, including changes in the Provider's name, structure, principal contact, management, instructors, physical location, instructional course, fee policy, language services, or method of delivery.
6. It shall immediately notify the United States Trustee, in writing, of any changes that render inapplicable, inaccurate, incomplete, or misleading any statement it previously made in its application or related materials, as well as any statement to the United States Trustee.
7. It will seek permission from the United States Trustee by submitting an amended application before: engaging an independent contractor to provide an instructional course; making or implementing any increase in fees, contributions or payments received from debtors for an instructional course; making or implementing any change in its fee policy; any expansion into additional federal judicial districts; or making or implementing any material change in an instructional course or any change to its methods of delivery.
8. No member of the board of directors or trustees, officer, or supervisor is a relative of an employee of the United States Trustee; a panel trustee in any federal judicial district where the Provider is providing or is applying to provide an instructional course; or a federal judge or federal court employee in any federal judicial district where the Provider is providing or is applying to provide an instructional course.

9. Any fee, contribution, or payment received for an instructional course will be reasonable in amount, and it will provide the instructional course without regard to a debtor's ability to pay.
10. It will not disclose or provide to a credit reporting agency information concerning whether an individual has received or sought instruction concerning personal financial management from the Provider; nor sell information about the debtor to any third party without the debtor's prior written permission; nor expose the debtor to commercial advertising as part of the instructional course; nor market or sell financial products or services during the instructional course (though it may generally discuss all available financial products and services).
11. It will refer debtors for an instructional course only to Providers that are approved by the United States Trustee.
12. It will not enter into any referral agreements or receive any financial benefit that involves the Provider paying to or receiving from any entity or person referral fees or compensation for the referral of debtors to or by the Provider.
13. Any advertisement that refers to the United States Trustee's approval for the Provider to provide an instructional course in compliance with the Bankruptcy Code shall only be phrased in the following manner: ***"Approved to issue certificates in compliance with the Bankruptcy Code. Approval does not endorse or assure the quality of a Provider's services."***
14. It will not use the United States Department of Justice's seal, the United States Trustee's seal, the Bankruptcy Court's seal, or any seal of the United States or a likeness thereof.
15. It will send a certificate to the debtor, upon completion of an instructional course, no later than three business days after completion of the instructional course, and shall issue certificates only in the form approved by the United States Trustee and only from the Certificate Generating System maintained by the United States Trustee.
16. It consents to the release and disclosure of the Provider's name on the approved list and the publication of the Provider's contact information.

I HEREBY DECLARE under penalty of perjury that the foregoing representations are true and correct to the best of my knowledge, information, and belief.

\_\_\_\_\_  
Signature of President, Chairman, Trustee, or Other  
Authorized Representative

\_\_\_\_\_  
Type or Print Name of Signer

\_\_\_\_\_  
Type or Print Title of Signer (if applicable)

\_\_\_\_\_  
Date

**Appendix B: Judicial Districts**

(Application for Approval as a Provider of a Personal Financial Management Instructional Course)

**Name of Provider:** \_\_\_\_\_

Check each federal judicial district for which the Provider requests approval:

Alaska		Louisiana, Eastern		Pennsylvania, Eastern
Arizona		Louisiana, Middle		Pennsylvania, Middle
Arkansas, Eastern		Louisiana, Western		Pennsylvania, Western
Arkansas, Western		Maine		Rhode Island
California, Central		Maryland		South Carolina
California, Eastern		Massachusetts		South Dakota
California, Northern		Michigan, Eastern		Tennessee, Eastern
California, Southern		Michigan, Western		Tennessee, Middle
Colorado		Minnesota		Tennessee, Western
Connecticut		Mississippi, Northern		Texas, Eastern
Delaware		Mississippi, Southern		Texas, Northern
District of Columbia		Missouri, Eastern		Texas, Southern
Florida, Middle		Missouri, Western		Texas, Western
Florida, Northern		Montana		Utah
Florida, Southern		Nebraska		Vermont
Georgia, Middle		Nevada		Virginia, Eastern
Georgia, Northern		New Hampshire		Virginia, Western
Georgia, Southern		New Jersey		Washington, Eastern
Hawaii		New Mexico		Washington, Western
Idaho		New York, Eastern		West Virginia, Northern
Illinois, Central		New York, Northern		West Virginia, Southern
Illinois, Northern		New York, Southern		Wisconsin, Eastern
Illinois, Southern		New York, Western		Wisconsin, Western
Indiana, Northern		North Dakota		Wyoming
Indiana, Southern		Ohio, Northern		Guam
Iowa, Northern		Ohio, Southern		Northern Mariana Islands
Iowa, Southern		Oklahoma, Eastern		Puerto Rico
Kansas		Oklahoma, Northern		Virgin Islands
Kentucky, Eastern		Oklahoma, Western		
Kentucky, Western		Oregon		

The federal judicial districts in Alabama and North Carolina are not covered by the United States Trustee Program.



**Appendix D: Matrix of Current Instructors**

(Application for Approval as a Provider of a Personal Financial Management Instructional Course)

<b>Name of Provider:</b> <b>Other business names used at this location, if any:</b> <b>Street address:</b>										
<b>Total number of personnel at this location:</b>  _____	<b>Instructor Names</b>									
	<b>1.</b>	<b>2.</b>	<b>3.</b>	<b>4.</b>	<b>5.</b>	<b>6.</b>	<b>7.</b>	<b>8.</b>	<b>9.</b>	<b>10.</b> <small>(Copy this page for additional employees)</small>
<b>Supervisor (check)</b>										
<b>EDUCATION - Highest Degree Received (check one)</b>										
<b>High School</b>										
<b>A.D.</b>										
<b>B.A./B.S.</b>										
<b>Graduate (M.S., J.D., Ph.D.)</b>										
<b>Other (specify)*</b>										
<b>INSTRUCTOR CERTIFICATION (check all that apply)</b>										
<b>Certified as a Credit or Financial Counselor*</b>										
<b>Course of Study*</b>										
<b>CFP</b>										
<b>RFC</b>										
<b>CPA</b>										
<b>EXPERIENCE (state years of experience)</b>										
<b>Credit Counseling</b>										
<b>Financial Management - Financial Planning</b>										
<b>Consumer Credit Education</b>										
<b>Consumer Economics</b>										
<b>Other (specify)*</b>										
<b>ANNUAL CONTINUING EDUCATION</b>										
State year of most recent completion of continuing education course.										

\* Disclose on separate page. See Section 7, Appendix D, of Instructions for additional detail.



**Appendix E: Activity Report for Approved Providers**  
 (Application for Approval as a Provider of a Personal Financial Management Instructional Course)

Questions? Contact Executive Office for United States Trustees at (202) 514-4100, or ust.de.help@usdoj.gov.

**Reporting Period:** (Check one)     January - June     July - December    **Year:** \_\_\_\_\_

**Provider No:** \_\_\_\_\_

**Name of Provider:** \_\_\_\_\_

**E-Mail:** \_\_\_\_\_

**Contact Person:** \_\_\_\_\_  
 Someone who could answer USTP questions

**Instructions:** Please provide actual (not estimated) data for all debtors instructed by the Provider this reporting period. No cell should be left blank. If none, enter "0" in the cell.

**Debtors Receiving Instruction this Reporting Period**

- Q1**    Number of debtors receiving instruction this reporting period
- Q2**    Number of debtors **requesting** instruction in language other than English\*
- Q3**    Number of debtors **provided** instruction in language other than English\*
- Q4**    Number of hearing-impaired debtors **requesting** instruction
- Q5**    Number of hearing-impaired debtors **provided** instruction

\* Specify languages on next page

**Instructions:** Please provide actual (not estimated) data for all fees and bankruptcy certificates issued by the Provider this reporting period. No cell should be left blank. If none, please enter "0" in the cell.

**Debtor Education Certificates Issued this Reporting Period**

	Instructional Method			<b>Q9</b> Total Fees or Contributions
	a In-Person	b Telephone	c Internet	
<b>Q6</b> Certificates issued at no cost				<div style="display: flex; flex-direction: column; align-items: center;"> <div style="margin-bottom: 5px;">▶ <input style="width: 100%; height: 20px;" type="text"/></div> <div style="margin-bottom: 5px;">▶ <input style="width: 100%; height: 20px;" type="text"/></div> <div style="width: 100%; height: 20px; border: 1px solid black;"></div> </div>
<b>Q7</b> Certificates issued at reduced cost				
<b>Q8</b> Certificates issued at regular cost				
<b>Total</b>				
	(Q6a+Q7a+Q8a)	(Q6b+Q7b+Q8b)	(Q6c+Q7c+Q8c)	(Q9a+Q9b)

**Course Evaluation Summary:**

For courses conducted during Probationary or Annual Period	In-Person		Telephone		Internet	
	%Yes	%No	%Yes	%No	%Yes	%No
<b>COURSE</b>						
Goals were explained clearly.						
Course topics were relevant to my life.						
Learning materials were helpful.						
Course content was easy to understand.						
<b>INSTRUCTOR</b>						
Instructor was well prepared.						
Instructor was helpful.						
<b>COURSE ENVIRONMENT</b>						
Training facility was comfortable.						
Facility location was convenient.						
<b>COURSE RESULTS</b>						
I learned something I can use.						
I will use a budget at home.						

**Languages Requested other than English\***

- |    |     |
|----|-----|
| 1. | 6.  |
| 2. | 7.  |
| 3. | 8.  |
| 4. | 9.  |
| 5. | 10. |

\* If more than ten, please attach a list of additional languages requested.

**Languages Provided other than English\***

- |    |     |
|----|-----|
| 1. | 6.  |
| 2. | 7.  |
| 3. | 8.  |
| 4. | 9.  |
| 5. | 10. |

\* If more than ten, please attach a list of additional languages provided.