



**U.S. Department of Justice**

Executive Office for United States Trustees

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**INSTRUCTIONS FOR APPLICATION FOR APPROVAL AS A  
NONPROFIT BUDGET AND CREDIT COUNSELING AGENCY**

**Introduction.** In accordance with 11 U.S.C. § 111, as implemented by *Application Procedures and Criteria for Approval of Nonprofit Budget and Credit Counseling Agencies by United States Trustees*, 28 C.F.R. §§ 58.12 - 58.24 (the “Rule”), a nonprofit budget and credit counseling agency (the “Agency”) 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 Agency shall provide all information and documents required by the EOUST or the United States Trustee responsible for each judicial district in which the Agency seeks approval. Unless otherwise stated, the application and appendices shall be typewritten<sup>2</sup> using the space provided on the form, as well as attachments if necessary.

**The application has been revised to reflect changes to the process under the Rule. All Agencies 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 Agency
- Section 2. Status as a Nonprofit Organization
- Section 3. Quality, Experience, and Background in Providing Credit Counseling Services
- Section 4. Credit Counseling Methods and Curriculum

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<sup>1</sup> As defined in 28 C.F.R. § 58.12(b)(39), 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 5. Fees and Fee Waivers
- Section 6. Disclosures
- Section 7. Administration of Debt Repayment Plans and the Safekeeping and Payment of Client Funds
- Section 8. Appendices
  - Appendix A. Acknowledgments, Agreements, and Declarations in Support of Application for Approval as a Nonprofit Budget and Credit Counseling Agency
  - Appendix B. Judicial Districts
  - Appendix C. Business Locations
  - Appendix D. Matrix of Current Counselors
  - Appendix E. Activity Report for Approved Credit Counseling Agencies
- Section 9. 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 Agency 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 submit completed Appendices A through E. 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 Agency’s response to that item is identical to its response in the most recent application, the Agency 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 Agency must complete the item even if its response has not changed since the previous application.

**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 electronic mail to the following

address: [ccapp@usdoj.gov](mailto:ccapp@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 Agency's name (and Agency 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  
Credit Counseling Application Processing  
441 G Street, N.W.  
Suite 6150  
Washington, D.C. 20530  
(202) 514-4100

As soon after receipt as practicable, the United States Trustee will send the Agency 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.**

**Duty to Notify the United States Trustee.** The Agency 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 Agency is pending before the United States Trustee or after the Agency 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 Agency shall immediately notify the United States Trustee in writing of any failure by the Agency 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 Agency to act as an approved Agency. Specifically, the Agency shall immediately notify the United States Trustee, in writing, of any of the following events:

- (1) Notification by the Internal Revenue Service or by a state or local taxing authority that the approved Agency has been selected for audit or examination regarding its tax-exempt status, or any notification of a compliance check by the Internal Revenue Service or by a state or local taxing authority;
- (2) Revocation or termination of the approved Agency's tax-exempt status by any governmental unit or by any judicial officer;
- (3) Cessation of business by the approved Agency or by any office of the Agency, or

withdrawal from any federal judicial district(s) where the approved Agency is approved;

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

(5) Termination or cancellation of any surety bond or fidelity insurance;

(6) Any administrative or judicial action brought by any entity that seeks recovery against a surety bond or fidelity insurance;

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

(8) A suspension, or action to suspend, any accreditation held by the approved Agency, or any withdrawal by the approved Agency of any application for accreditation, or any denial of any application of the approved Agency for accreditation;

(9) A change in the approved Agency's nonprofit status under any applicable law; or

(10) Any change in the banks or financial institutions used by the Agency.

**Approval Period and Deadline for Submission of Application for Renewal.** Unless terminated earlier, the Agency approved to provide credit counseling services 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 Agency shall apply no later than 45 days before the expiration of its existing approval period to be considered for renewal. The Agency is responsible for monitoring the expiration date of the current approval period as well as the application deadline, and for timely submitting an application. The United States Trustee will not send application deadline reminders to the Agency.

So long as the Agency has submitted a complete and timely application for renewal, it may continue to provide credit counseling services 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 Agency does not submit an application for renewal before the expiration of its current approval period, the approval will automatically expire, the Agency no longer will be authorized to act as an approved Agency, and the Agency must apply for a new six-month probationary period before providing credit counseling services to clients pursuant to 11 U.S.C. §§ 109 and 111.

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

- (1) Cancellation or change in the amount of the surety bond or employee fidelity bond or insurance;
- (2) The engagement of an independent contractor to provide credit counseling services or to have access to, possession of, or control over client funds;
- (3) Any increase in the fees, contributions, or payments received from clients for credit counseling services or a change in the Agency's fee policy;
- (4) Expansion into additional federal judicial districts;
- (5) Any changes to the method of delivery the approved Agency employs to provide credit counseling services; or
- (6) Any changes in the approved Agency's credit counseling services.

The Agency shall submit an amended application, reflecting all material changes that will occur due to the changes, and include a newly executed Section 9, "Certification and Signature." **The amended application need only include the items affected by the changes.**

**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 and four hours for a 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, Credit Counseling Application Processing, 441 G Street, N.W., Suite 6150, Washington, D.C. 20530.

**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 Agencies to provide services as nonprofit budget and credit counseling agencies. 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 Agency**

Item 1.1: United States Trustee assigned Agency 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 Agency first applied to be an approved Agency.

Item 1.2: Name of Agency. Provide the Agency’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 Agency currently uses (the Agency should list former names in item 2.2).

### **Section 2. Status as a Nonprofit Organization**

**Guidelines.** Organization and operation as a nonprofit entity. The Agency must be organized and operated as a nonprofit entity and have a board of directors, the majority of which: (a) are not relatives; (b) are not employed by the Agency; and (c) will not directly or indirectly benefit financially from the outcome of the counseling services provided by the Agency. The Agency should avoid any conduct or transactions that generate a private benefit for any individual or group related or connected to the Agency.

Ethical standards. The Agency shall not engage in any conduct or transaction, other than counseling services, that generates a direct or indirect financial benefit for any member of the board of directors or trustees, officer, supervisor, or any relative thereof. In addition, no such person shall receive any commissions, incentives, bonuses, or benefits (monetary or non-monetary) of any kind that are directly or indirectly based on the financial or legal decisions any client makes after requesting credit counseling services.

The Agency may not enter into any referral agreements or receive any financial benefit that involves the Agency paying to or receiving from any entity or person referral fees for the referral of clients to or by the Agency, except payments under a fair share agreement. The Agency may not enter into agreements involving counseling services that create a conflict of interest. The Agency may not provide counseling services to a client with whom it has a lender-borrower relationship.

No member of the board of directors or trustees, officer or supervisor of an approved Agency may be: a relative of an employee of the United States Trustee; a trustee appointed under 28 U.S.C. §§ 586(a)(1) or (b) for any federal judicial district where the Agency is providing or is applying to provide

counseling services; a federal judge in any federal judicial district where the Agency is providing or is applying to provide counseling services; a federal court employee in any federal judicial district where the Agency is providing or is applying to provide counseling services; or a certified public accountant that audits the Agency's trust account.

### **Specific Instructions.**

Item 2.1: Basis for nonprofit status. Describe the Agency's nonprofit purpose, such as its public, charitable, educational, or other organizing purpose under applicable state law. If the Agency is tax-exempt pursuant to section 501(c)(3) or another section of the Internal Revenue Code, please identify the tax-exempt status and applicable Internal Revenue Code section.

Items 2.4 and 2.8: 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 2.5: Material management changes. **New applicants:** State whether the Agency's officers or the members of its board of directors/trustees have changed in the last three years. If so, complete items 2.6 and/or 2.7. If not, continue to item 2.8. **Returning applicants:** State whether the Agency's officers or the members of its board of directors/trustees have changed since the most recent application. If so, complete items 2.6 and/or 2.7. If not, continue to item 2.8.

Items 2.6 and 2.7: Former officers, directors, and trustees. **New applicants:** Provide information about individuals who are not currently on the board, but have served as officers, directors, or trustees within the last three years. **Returning applicants:** Provide information about individuals who are not currently on the board, but have served as officers, directors, or trustees within the last year.

When supplying address information, provide the individual's current employer or residential address, and not the Agency's business address. "Compensation" includes both direct compensation, such as wages and salaries, and indirect compensation, such as bonuses, deferred compensation, and noncash compensation.

Item 2.9(a) and (b): Referrals. Provide information about individuals or entities who provide referrals to the Agency or receive referrals from the Agency. Disclose oral referral agreements and arrangements as well as written agreements.

Item 2.9(c): Contracts. Disclose all contracts with related individuals or entities, whether or not they pertain to credit counseling services. For purposes of this item, a "related entity" includes a business in which an officer, director or employee of the Agency, or relative of an officer, director or employee of the Agency, owns, manages, controls or holds, directly or indirectly, a 20 percent ownership or financial interest in the business.

Item 2.10: Independent contractors. The term “independent contractor” means a person or entity who provides any goods or services to the Agency other than as an employee and as to whom the Agency 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; and
- (3) have any common employees.

“Independent contractors” do not include counselors employed by the Agency. **Do not list the Agency’s own counselors;** list those on Appendix D. If the Agency lists independent contractors with access to, possession of, or control over client funds, complete Section 7 of this Application.

### **Section 3. Quality, Experience, and Background in Providing Credit Counseling**

#### **Services**

**Guidelines.** Generally. The Agency shall operate in a prudent business manner and shall deal responsibly and effectively with matters relating to the quality, effectiveness, and financial security of the services it provides.

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

Compliance with laws and regulations. The Agency 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 Agency conducts counseling services, including all laws governing licensing and registration.

#### **Specific Instructions.**

Item 3.2: Time in business. State the length of time the Agency has offered credit counseling services. The Agency with fewer than two years of experience immediately preceding the application date shall complete item 3.3. All other Agencies may continue to item 3.4.

Item 3.6: Revocation of accreditation or certification. If the Agency’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 Agency's accreditation being revoked, suspended, or lapsed. If any counselor's certification was revoked, suspended, or lapsed at any time during the last five years, identify the counselor, identify the relevant date(s) and provide a detailed explanation of the circumstances.

Item 3.8: Financial statements. Provide audited financial statements. If an Agency has not commenced operations as of the application date, it may provide *pro forma* financial statements in lieu of audited financial statements.

Item 3.9: Litigation. List all legal actions, proceedings, investigations, arbitrations, mediations, and potential bond or other claims, whether pending or adjudicated, in which the Agency, any affiliate listed in the response to item 2.8(c), or any officer, director, trustee, employee, or agent of the Agency is a party, and the outcomes of any such actions.

Items 3.10 and 3.11: Regulatory oversight, investigations, and Internal Revenue Service matters. Disclose audits, investigations, and enforcement actions by state and local tax, oversight, and regulatory agencies in the response to item 3.10. In the response to item 3.11, provide the correspondence relating to Internal Revenue Service audits, investigations, and enforcement actions, including: a letter indicating that the Agency's credit counseling activities are consistent or inconsistent with its tax-exempt status as of a certain date; a "no-change advisory;" a closing agreement; a notice of referral; or a revocation of the Agency's exemption. **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 3.12: Continuing obligation to update. Disclose to the United States Trustee any new actions of the type described in items 3.6, 3.9 or 3.10 that commence during the application review period. Provide to the United States Trustee copies of correspondence described in item 3.11 sent or received by the Agency or an affiliate during the application review period.

#### **Section 4. Credit Counseling Methods and Curriculum**

**Guidelines.** Adequate credit counseling services. The Agency shall provide, at a minimum, an adequate written analysis, particularized to the client, of each client's current financial condition, including a discussion of the factors that caused such financial condition, budget analysis, consideration of all alternatives to resolve a client's credit problems, and formation of a plan to respond to the financial problems without incurring negative amortization of debt. The typical length of an adequate counseling session is 60 minutes.

**In the case of internet counseling, counseling is not complete until the client has engaged in interaction with a counselor, whether by electronic mail, live chat, or telephone, following the automated portion of the counseling session.**

Providers of telephone services or internet services. In addition to meeting all other requirements, the Agency 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 counseling services is the client and to determine whether the client has completely received counseling services. Determining whether the client has completely received counseling services means ensuring that the client is the same person who both commences and completes the counseling, and that the client engages in interaction with a counselor by electronic mail, live chat, or telephone following the automated portion of the counseling. Identity verification requires the Agency to:

- (a) obtain one or more unique personal identifiers from the client and assign an individual access code, user ID, or password at the time of enrollment; and
- (b) require the client 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 counseling services.

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

Language services. The Agency shall inform clients with limited English proficiency of the languages it offers.

Prohibition against legal advice. The Agency shall refrain from giving legal advice to clients or potential clients.

Certificates of counseling. The Agency agrees to issue certificates of counseling in accordance with the directives established by the United States Trustee. For reference, please consult 28 C.F.R. § 58.22.

### **Specific Instructions.**

Check the box for each method of delivery for which the Agency seeks approval, and describe any languages, other than English, in which the Agency provides counseling. The former method of delivery, “telephone/internet,” has been eliminated. The Agency must select either telephone or internet based on the primary method used for delivery of counseling services.

Item 4.2: Other counseling services. List the other types of counseling services the Agency

provides, whether or not related to credit counseling, such as housing counseling, or mortgage counseling.

Item 4.3: Language referrals. List the number of referrals of clients or potential clients the Agency provided to other approved Agencies for counseling based on limited English proficiency, and identify the languages, other than English, requested by such clients or potential clients.

Items 4.4 - 4.6: Counseling process. The Agency 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 counseling or identity verification forms (whether used by the client, the counselor, or both), written counseling 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 client), 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 Agency's intranet, provide printed screens of all such resource materials. **The Agency shall not unilaterally change its counseling methods or services without prior United States Trustee approval.**

Item 4.4: In-person counseling. Describe the counseling process, beginning with the process of providing information to or obtaining information from a client or potential client, and ending with certificate issuance:

- (a) Describe the process of obtaining client 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 client calls or the URL for the website where the client provides the information. Provide copies of any and all agreements and consents the Agency requires clients to sign in connection with counseling services. If the agreement or consent takes an electronic form, provide the URL for the website where the client accesses the form;
- (b) Describe the substance of the counseling services, including an analysis of the client's current financial condition, factors that caused the client's financial condition, and how a client can develop a plan to respond to his or her financial problems without incurring negative amortization of debt; and
- (c) Describe the certificate issuance process, including the timing of certificate issuance and the Agency's policies concerning which personnel may issue certificates.

Item 4.5: Telephone counseling. Describe the counseling process, beginning with the process of providing information to or obtaining information from a client or potential client, and ending with certificate issuance:

- (a) Describe the process of obtaining client information and providing mandatory

disclosures. To the extent information-gathering takes place by telephone or internet, describe that portion in detail and provide the telephone number a client calls or the URL for the website where the client provides the information. Provide copies of any and all agreements and consents the Agency requires clients to sign in connection with counseling services. If the agreement or consent takes an electronic form, provide the URL for the website where the client accesses the form;

- (b) Describe the substance of the counseling services, including an analysis of the client's current financial condition, factors that caused the client's financial condition, and how a client can develop a plan to respond to his or her financial problems without incurring negative amortization of debt;
- (c) Describe the Agency's experience and proficiency in providing counseling services over the telephone;
- (d) Describe the Agency's client identity verification processes, including the method by which the Agency confirms the identity of the client before receiving counseling services by telephone by:
  - (1) obtaining one or more unique personal identifiers from the client and assigning an individual access code, user ID, or password at the time of enrollment; and
  - (2) requiring the client to provide the appropriate access code, user ID, or password, and also one or more of the unique identifiers during the course of delivery of counseling services;
- (e) Describe the criteria by which the Agency determines that the client has completed the counseling as it was designed. If the Agency provides automated telephone counseling, describe the process by which the client engages in interaction with a counselor, whether by electronic mail, live chat, or telephone, following the automated portion of the counseling session;
- (f) Describe how and when the Agency delivers the written analysis of the client's current financial condition to the client;
- (g) Provide a complete response to items 4.5(d), (e), and (f) as to spouses receiving joint counseling; and
- (h) Describe the certificate issuance process, including the timing of certificate issuance, the method of delivery to the client, and the Agency's policies concerning which personnel may issue certificates.

Item 4.6: Internet counseling. Describe the counseling process, beginning with the process of providing information to or obtaining information from a client or potential client, and

ending with certificate issuance:

- (a) Describe the process of obtaining client information and providing mandatory disclosures. To the extent information-gathering takes place by telephone or internet, describe that portion in detail and provide the telephone number a client calls or the URL for the website where the client provides the information. Provide copies of any and all agreements and consents the Agency requires clients to sign in connection with counseling services. If the agreement or consent takes an electronic form, provide the URL for the website where the client accesses the form;
- (b) Describe the substance of the counseling services, including an analysis of the client's current financial condition, factors that caused the client's financial condition, and how a client can develop a plan to respond to his or her financial problems without incurring negative amortization of debt;
- (c) Describe the Agency's experience and proficiency in providing counseling services over the internet;
- (d) Describe the Agency's client identity verification processes, including the method by which the Agency confirms the identity of the client before receiving counseling services by internet by:
  - (1) obtaining one or more unique personal identifiers from the client and assigning an individual access code, user ID, or password at the time of enrollment; and
  - (2) requiring the client 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 counseling services;
- (e) Describe the criteria by which the Agency determines that the client has completed the counseling as it was designed. Describe the process by which the client engages in interaction with a counselor, whether by electronic mail, live chat, or telephone, following the automated portion of the counseling session;
- (f) Describe how and when the Agency delivers the written analysis of the client's current financial condition to the client;
- (g) Provide a complete response to items 4.5(d), (e), and (f) as to spouses receiving joint counseling; and
- (h) Describe the certificate issuance process, including the timing of certificate issuance, the method of delivery to the client, and the Agency's policies concerning which personnel may issue certificates.

## Section 5. Fees and Fee Waivers.

**Guidelines:** Fees. The Agency shall charge reasonable fees for, or relating to, credit counseling services. 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 Agency 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 counseling services justify the requested fee. The Agency bears the burden of establishing that its proposed fee is reasonable.

Fee waivers. The Agency must provide services without regard to a client's ability to pay the fee. A client is presumptively entitled to a fee waiver if the client's household current 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 Agency may rebut the presumption, and charge a reduced fee, if the Agency determines, based on income information the client submits in connection with counseling services, that the client 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 counseling services, including additional fees for certificate issuance. If the Agency charges different fees based on delivery method (*e.g.*, in-person, telephone, and internet counseling), 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 response to this item. Disclose such fee waivers and fee reductions in the response to item 5.2(a). If the Agency charges a reduced rate for spouses who take the course together, disclose the joint rate as well as the individual rate. If the Agency charges reduced rates based on criteria other than ability to pay, such as reduced rates to clients of certain attorneys or law firms, or clients obtained through referrals, disclose 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 2.8. **The Agency shall not unilaterally decrease its fee without prior United States Trustee approval.**
- (c) Fee communication to clients; disclosures. State whether the disclosures are communicated to clients and potential clients orally, by recording, in writing,

or electronically (for example, via the internet or e-mail). Specify the timing of disclosures to clients and potential clients. 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.

- (d) Fees exceeding \$50 per client. If the Agency has been approved to charge a fee over \$50 per client in connection with a prior application, the Agency need not provide a fee justification in connection with this application unless the Agency seeks a further increase of its fees. If the Agency seeks an increase over \$50 per client for the first time, or seeks to increase an existing fee in excess of \$50 per client, the Agency shall provide appropriate documentation demonstrating that its costs for providing the counseling services exceed the proposed fee. **The Agency 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 client's ability to pay**, including those policies at the discretion of the Agency or counselor, such as the client's net worth, dependence on government assistance, or receipt of *pro bono* legal services in connection with a filed or anticipated bankruptcy case.
- (b) Fee waiver disclosure. State whether the fee waiver disclosures are communicated to clients and potential clients orally, by recording, in writing, or electronically (for example, via the internet or e-mail). Specify the timing of disclosures to clients and potential clients. 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 Agency shall make mandatory disclosures prior to providing any information to or obtaining any information from a client or potential client, and prior to providing any counseling services. The Agency may use more than one form to communicate the required disclosures, including intake sheets, client 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 Agency's fee policy, including any fees associated with generation of the certificate;
- (2) The Agency's policies enabling clients to obtain counseling services for free or at reduced rates based upon the client's lack of ability to pay. To the extent the

Agency publishes information concerning its fees on the internet, such fee information must include the Agency's policies enabling clients to obtain counseling for free or at reduced rates based upon the client's lack of ability to pay;

(3) The Agency's policy to provide free bilingual counseling services or professional interpreter assistance to any limited English proficient client;

(4) The Agency's funding sources;

(5) The counselors' qualifications;

(6) The potential impacts on credit reports of all alternatives the Agency may discuss with the client;

(7) The Agency's policy prohibiting it from paying or receiving referral fees for the referral of clients, except under a fair share agreement;

(8) The Agency's obligation to provide a certificate to the client promptly upon the completion of counseling services;

(9) A statement that the client has the opportunity to negotiate an alternative payment schedule with regard to each unsecured consumer debt under terms as set forth in 11 U.S.C. § 502(k), and a statement whether or not the Agency will provide this service. If the Agency does not provide this service, it shall disclose that it may refer the client to another approved Agency, and shall disclose that clients may incur additional fees in connection with such a referral;

(10) The fact that the Agency might disclose client information to the United States Trustee in connection with the United States Trustee's oversight of the Agency, or during the investigation of complaints, during on-site visits, or during quality of service reviews;

(11) The fact that the United States Trustee has reviewed only the Agency's credit counseling services (and, if applicable, its services as a provider of a personal financial management instructional course pursuant to 11 U.S.C. § 111(d)), and the fact that the United States Trustee has neither reviewed nor approved any other services the Agency provides to clients; and

(12) The fact that a client will receive a certificate only if the client completes counseling services.

### **Specific instructions.**

Provide copies of any and all disclosures the Agency supplies clients or potential clients in connection with counseling services. If the Agency also provides an electronic disclosure, provide the URL for the webpages evidencing those disclosures. Ensure that the Agency's



responses to items 4.4(a), 4.5(a), and 4.6(a) describe the timing of the disclosures to the client or potential client.

## **Section 7. Administration of Debt Repayment Plans and the Safekeeping and Payment of Client Funds**

**Guidelines.** This section applies only to Agencies offering debt repayment plans (DRPs). If the Agency does not offer DRPs, continue to Section 8.

Financial security. The Agency must have adequate financial resources to provide continuing support services for DRPs over the life of any plan, and provide for the safekeeping of client funds.

Banking. The Agency shall deposit all client funds into a trust account insured by a federal institution with respect to each client up to the maximum amount allowable by the federal institution. Accounts shall be denominated as trust or fiduciary accounts.

Accounting. The Agency shall keep and maintain books, accounts, and records to provide a clear and readily understandable record of all business conducted by the Agency.

Bonding. Agencies that offer DRPs must provide the following:

- (a) A surety bond payable to the United States in an amount which is the lesser of: (1) two percent of the Agency's prior year disbursements made from trust accounts; or (2) equal to the average daily balance maintained in all trust accounts for the six months prior to submission of the application. At a minimum, the bond must be \$5,000.
- (b) The Agency may receive an offset/credit in the surety bond amount required by the United States Trustee as follows: (1) the Agency has obtained a surety bond, or similar cash, securities, insurance (other than employee fidelity insurance), or letter of credit, in compliance with the licensing requirements of the state in which the Agency seeks approval from the United States Trustee; (2) the surety bond, or similar cash, securities, insurance (other than employee fidelity insurance), or letter of credit provides protection for the clients of the Agency; (3) the surety bond, or similar cash, securities, insurance, or letter of credit, must be written in favor of the state or the appropriate state Agency; and (4) the offset/credit is based on the annual disbursements or average daily bank balance directly related to the clients in the particular state. *See Example 1 below.*

**Offsets and credits shall be computed on a state by state basis.** In other words, a state bond can only be applied to offset the United States

Trustee bond to the maximum United States Trustee bond requirement for that state. To the extent a state bond requirement exceeds the maximum United States Trustee bond requirement attributable for that state, the state bond cannot offset United States Trustee bond requirements for any other states.

- (c) Proof of adequate employee bonding or fidelity insurance. The amount shall be 50 percent of the surety bond amount calculated prior to any offset/credit that the Agency may receive for state bonds. At a minimum, the employee bond or fidelity insurance must be \$5,000.
- (d) The Agency may receive an offset or credit against the employee bond or fidelity insurance amount required by the United States Trustee if: (1) the Agency has previously obtained an employee bond or fidelity insurance in compliance with the requirements of the state in which the Agency seeks approval from the United States Trustee; (2) the deductible does not exceed a reasonable amount considering the financial resources of the Agency; and (3) the offset or credit is the lesser of (i) the principal amount of the employee bond or fidelity insurance and (ii) the amount calculated based on the annual disbursements or average daily bank balance directly related to the clients in the particular state as set forth in (c) above. *See Example 2 below.*

**Offsets and credits shall be computed on a state by state basis.** In other words, a state bond can be applied only to offset the United States Trustee bond to the maximum United States Trustee bond requirement for that state. To the extent a state bond requirement exceeds the maximum United States Trustee bond requirement attributable for that state, the state bond cannot offset United States Trustee bond requirements for any other states.

#### **Example 1: Surety Bond Offset/Credit**

The Agency with total annual disbursements of \$3,000,000 seeks approval in judicial districts located in three states. The disbursements for the clients in each state are \$1,000,000. State 1 has no bonding requirement; State 2 has a fixed surety bond of \$15,000; and State 3 has a

bonding requirement of 10 percent of total annual disbursements. The Agency would calculate the appropriate United States Trustee bonding requirement as follows:

State	Disbursements	2% Bond Requirement*	State Bond Amount	UST Bond Amount
1	\$1,000,000	\$20,000	\$0	\$20,000
2	\$1,000,000	\$20,000	\$15,000	\$5,000
3	\$1,000,000	\$20,000	\$100,000	\$0
			<b>Total</b>	\$25,000

\* In lieu of 2% of total annual disbursements, the Agency may use its average daily balance maintained in all trust accounts for the six months prior to submission of the application.

The Agency must supply a bond calculation, similar to the example above, demonstrating its offset/credit computation.

**Example 2: Employee Bond/Fidelity Insurance Offset/Credit**

The Agency with total annual disbursements of \$2,000,000 seeks approval in judicial districts located in two states. The disbursements for the clients in each state are \$1,000,000 each. State 1 has no employee bonding or fidelity insurance requirement and State 2 has an employee bonding or fidelity insurance requirement of 10 percent of monthly average disbursements (\$83,000 per month). The Agency would calculate the appropriate United States Trustee employee bonding or fidelity insurance requirement as follows:

State	Disbursements	Surety Bond Prior to Any Offsets/Credits*	50% of Surety Bond	State Insurance Amount	UST Insurance Amount
1	\$1,000,000	\$20,000	\$10,000	\$0	\$10,000
2	\$1,000,000	\$20,000	\$10,000	\$8,300	\$1,700
				<b>Total</b>	\$11,700

\* In lieu of the surety bond calculation based on total annual disbursements, the Agency may use the average daily balance maintained in all trust accounts for the six months prior to submission of the application.

The Agency must provide an insurance calculation, similar to the example above, demonstrating its offset/credit computation.

Administration by independent contractors. Subject to the exceptions below, if the Agency has contracted with an independent contractor to administer any part of its DRPs, the independent contractor shall either be an approved Agency or shall meet specific bonding requirements. Specifically, an independent contractor that is not an approved Agency shall be specifically covered under the Agency’s surety bond or:

- (a) have a surety bond sufficient to meet the requirements set forth in (a) of the

Bonding section above, and

(b) agree in writing to allow the United States Trustee to audit the independent contractor's trust accounts for the DRPs administered on behalf of the Agency and to review the independent contractor's internal controls and administrative procedures.

Exceptions to bonding requirement: There exist two exceptions to the bonding requirement for independent contractors:

(a) If the independent contractor holds funds for transmission for 5 days or less, then the amount of the required surety bond shall be \$500,000; or

(b) If the independent contractor performs only electronic fund transfers on the Agency's behalf, then the independent contractor need not satisfy the bonding and auditing requirements of this section during such time as the independent contractor is authorized by the National Automated Clearing House Association to participate in the Automated Clearing House system.

### **Specific instructions.**

Item 7.1: Does the Agency offer DRPs? If the Agency currently offers DRPs to its clients, then it must complete section 7 in its entirety.

If the Agency has ceased offering DRPs to new clients who receive counseling services from the Agency, but continues to service, for earlier-counseled clients, any DRPs existing at the date of the application, the Agency shall state the date on which the Agency ceased offering DRPs to new clients. The Agency shall continue to maintain a surety bond payable to the United States for the duration of such plans based on disbursements pursuant to those plans, as set forth above.

Complete items 7.3 through 7.9 of the application.

Item 7.5: Independent contractors. To the extent the Agency uses any independent contractor to administer, process, or execute any aspect of its DRPs or to handle client funds, it must disclose those independent contractors.

Item 7.9(d): Independent contractor status. Consult the box checked in response to item 7.7 to determine the necessary documents to attach as follows:

(a) The independent contractor performs only electronic fund transfers on the Agency's behalf, and no other functions. Exempt from bonding requirement. **Attach no documents;**

(b) The independent contractor holds funds for transmission for five days or less: Bonding requirement is \$500,000. **Attach evidence of the bond;**

(c) The independent contractor is an approved Agency: **Attach evidence of the approved Agency's bond;**

(d) The independent contractor is covered under the Agency's surety bond. **Include evidence of coverage under the Agency's bond;** or

(e) None of the above. **Attach proof that the independent contractor maintains a surety bond in a sufficient amount as provided above. Attach a written acknowledgment** from the independent contractor agreeing to allow the United States Trustee or his/her designee to audit the trust accounts maintained by the independent contractor and to review the independent contractor's internal controls and administrative procedures.

## **Section 8. 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 Nonprofit Budget and Credit Counseling Agency.

By executing and submitting the Application for Approval as a Nonprofit Budget and Credit Counseling Agency, the Agency 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 Nonprofit Budget and Credit Counseling Agency.

### Appendix B: Judicial Districts.

Check the box for each judicial district in which the Agency seeks approval. Each Agency 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 Agency must submit an amended application to add judicial districts. An Agency 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 Agency's business locations and specify whether in-person services are available at each listed location.

Appendix D: Matrix of Current Counselors.

The Agency shall use only counselors who possess adequate experience providing credit counseling, which means that each counselor either:

- (a) holds a counselor certification and who has complied with all continuing education requirements necessary to maintain his or her counselor certification; or
- (b) has successfully completed a course of study and worked a minimum of six months in a related area such as personal finance, budgeting, or credit or debt management. A course of study shall include training in counseling skills, personal finance, budgeting, or credit or debt management. A counselor shall also receive annual continuing education in the areas of counseling skills, personal finance, budgeting, or credit or debt management.

Certification and experience. A counselor shall be deemed to have adequate training and experience to provide credit counseling and budget analysis if the counselor is certified by a recognized independent organization, or has successfully completed a course of study acceptable to the United States Trustee and has worked a minimum of six months in a related area, including personal finance, budgeting, and debt management. The United States Trustee does not endorse any specific course or certification program.

With regard to each counselor who has completed a course of study, attach a statement to Appendix D setting forth the name and provider of the course, an outline of the course materials, and the criteria for passing the course. With regard to each counselor 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.

Criminal background checks. The Agency shall conduct a criminal background check at least every five years for each person providing counseling services. A "criminal background check" means a report generated by a state law enforcement authority disclosing the entire state criminal history record, if any, of the counselor for whom the criminal background check is sought, for every state where the counselor has resided or worked during any part of the immediately preceding five years. If a criminal background check is not available for, or is not authorized by state law in, each of the states where the counselor has resided or worked during any part of the immediately preceding five years, the Agency shall instead obtain at least every five years a sworn statement from each counselor attesting to whether the counselor has been convicted of a felony, or a crime involving fraud, dishonesty, or false statements. The Agency shall not substitute a statement in lieu of a criminal background check unless a criminal background check is not available for, or is not authorized by state law in, each of the states where the counselor has resided or worked during any part of the immediately preceding five years.

The Agency shall not employ as a counselor anyone who has been convicted of any felony or a crime involving fraud, dishonesty, or false statements, unless the United States Trustee determines, upon review and in his or her discretion, the circumstances warrant a waiver of this prohibition against employment.

Appendix E: Activity Report for Approved Credit Counseling Agencies.

Appendix E applies only to Agencies who have previously been approved by the United States Trustee and are seeking re-approval. **If the Agency has not yet been approved by the United States Trustee as an approved Agency, 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 the Agency 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.

Q16: 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 9. Certification and Signature**

The Agency 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 Agency’s president, chairman, trustee, or other authorized representative declares that he or she is authorized to complete the application on behalf of the Agency; 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.

**U.S. Department of Justice**

Executive Office for United States Trustees

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**APPLICATION FOR APPROVAL AS A NONPROFIT BUDGET  
AND CREDIT COUNSELING AGENCY**

**Introduction.** In accordance with 11 U.S.C. § 111, as implemented by *Application Procedures and Criteria for Approval of Nonprofit Budget and Credit Counseling Agencies by United States Trustees*, 28 C.F.R. §§ 58.12 - 58.24 (the “Rule”), a nonprofit budget and credit counseling agency (an “Agency”) 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. The Agency shall provide all information and documents required by the EOUST or the United States Trustee responsible for each judicial district in which the Agency seeks approval. Unless otherwise stated, the application and appendices shall be typewritten<sup>1</sup> using the space provided on the form, as well as attachments if necessary.

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 submit 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 Agency, the federal tax identification number, 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 Agency has no information to provide, state “N/A” with respect to the relevant item. Please see the accompanying Instructions for detailed guidance on completing the application.

**New Applicants.** Check the box marked “New Applicant” in item 1.1. Complete every item in the application. 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 Agency’s response to that item is identical to its response in the most recent application, the Agency 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 Agency must complete the item even if its response has not changed since the previous application.

**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 and four hours for a re-application, including time for reviewing instructions, gathering information, and completing the application. Comments regarding this burden estimate or any other aspect

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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.



of this application, including suggestions for reducing the burden, should be directed to the Executive Office for United States Trustees, Credit Counseling Application Processing, 441 G Street, N.W., Suite 6150, Washington, D.C. 20530.

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

1.1 Check only one box.

**New Applicant.**

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

1.2 Name of Agency: \_\_\_\_\_

1.3 Federal Tax Identification Number of Agency: \_\_\_\_\_

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 Agency:

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

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

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

**Section 2. Status as a Nonprofit Organization**

2.1 **Nonprofit status.**

NC  (a) Is the Agency organized as a nonprofit entity pursuant to state law in the state of organization?  
 Yes.  
 No.

NC  (b) Has the Agency received a tax-exempt determination from the Internal Revenue Service?  
 Yes. Provide the date and basis (e.g., section 501(c)(3)) for the determination here and continue to item 2.1(c).  
 \_\_\_\_\_  
 No. Skip to item 2.1(d).

(c) Attach a copy of the most recent IRS Form 990, Return of Organizations Exempt From Income Tax.

NC  (d) State the Agency's nonprofit purpose.

NC  2.2 List all **former names, f/k/a, and mailing addresses** used by the Agency other than those listed on items 1.2 and 1.4.

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

NC  2.3 Identify the **current officers** and provide his or her: 1) title; 2) principal occupation; 3) employer name; 4) whether he or she has ever been convicted of a felony or a crime involving fraud, dishonesty, or false statements; and 5) 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  2.4 Identify the **current directors and trustees** and provide his or her: 1) title; 2) principal occupation; 3) employer name; 4) whether he or she has ever been convicted of a felony or a crime involving fraud, dishonesty, or false statements; and 5) 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.

2.5 **Material management changes.**

**New Applicants:** Have any of the officers, directors, or trustees of the Agency changed in the last three years?

**Returning Applicants:** Have any of the officers, directors, or trustees of the Agency changed since the last application?

- Yes. Complete items 2.6 and/or 2.7.
- No. Continue to item 2.8.

- 2.6 Identify individuals who previously served as **officers**, but are no longer officers, and provide his or her: 1) title; 2) term(s) in office; 3) the reason why he or she is no longer an officer; and 4) whether he or she has ever been convicted of a felony or a crime involving fraud, dishonesty, or false statements. State the amount of direct and indirect compensation (including deferred compensation and other financial benefits) for each individual.

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

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

2.7 Identify individuals who previously served as **directors or trustees**, but are no longer directors or trustees, and provide his or her: 1) title; 2) term(s) in office; 3) the reason why he or she is no longer a director or trustee; and 4) whether he or she has ever been convicted of a felony or a crime involving fraud, dishonesty, or false statements. State the amount of direct and indirect compensation (including deferred compensation and other financial benefits) for each individual.

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

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

2.8 Identify individuals who currently serve as **directors or officers**, but also have direct or indirect financial or operational control in any other approved non-profit and budget credit counseling agencies or approved providers of a personal financial management instructional course, and provide his or her: 1) name; 2) title; 3) scope of involvement; and 4) amount of direct and indirect compensation (including deferred compensation and other financial benefits).

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

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

2.9 **Contracts and Referrals.**

(a) **Referrals to the Agency.** Identify each individual or entity that regularly refers clients to the Agency, and provide the following: 1) the individual or entity's mailing address, telephone number, e-mail address, and web address; 2) whether the referrals are made pursuant to a fair share agreement, 3) whether referred clients receive a discount from the Agency's ordinary counseling fee; and 4) copies of any written contracts or agreements. This includes all oral and written agreements with attorneys who refer clients to the Agency.

**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 Agency.** Identify each individual or entity to whom the Agency regularly refers or has referred clients, and provide the following: 1) the individual or entity's mailing address, telephone number, e-mail address, and web address; 2) whether the referrals are made pursuant to a fair share agreement; 3) whether referred clients receive a discount from the Agency's ordinary counseling fee; and 4) copies of any written contracts or agreements. Include referrals for negotiation of alternative repayment schedules pursuant to 11 U.S.C. § 502(k).

**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 Agency 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  2.10 **Independent contractors.** Identify each independent contractor that performs counseling services on behalf of the Agency or has access to, possession of, or control over client funds. 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.

If the Agency lists independent contractors with access to, possession of, or control over client funds, check this box and complete section 7.

**Section 3. Quality, Experience, and Background in Providing Credit Counseling Services**

3.1 How long has the Agency been in business? \_\_\_\_\_Years \_\_\_\_\_Months

3.2 How long has the Agency provided credit counseling services?  
\_\_\_\_\_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 clients, does the Agency employ at least one office supervisor with experience and background in providing credit counseling services for no fewer than two of the last five years?

Yes.

No.

Attach the following to the application:

- (a) A business plan;
- (b) The current year’s pro forma financial statements and cash flow projections (including balance sheets, profit and loss statements, and statements of cash flow); and
- (c) Identify the individual who will serve as the supervisor for each office offering credit counseling services and attach a resume describing that individual’s experience and educational background.

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

**Documents are attached.**

NC  3.4 List the Agency’s memberships, if any, with credit counseling associations. Do not list accreditation or counselor certifications here. List accreditations in item 3.5 and counselor certifications on Appendix D.

NC  3.5 List the Agency’s accreditation by accrediting organizations. Do not list counselor certifications here. List those on Appendix D.

- NC  3.6 If the Agency's accreditation was revoked, suspended, or lapsed at any time during the last five years, state the dates and circumstances. If any counselor's certification was revoked, suspended, or lapsed at any time during the last five years, identify the counselor 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  3.7 List each state in which the Agency is licensed or certified to conduct credit counseling 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.

- 3.8 (a) Attach the annual audited financial statements prepared in accordance with generally accepted accounting principles. Only new applicants that have not yet commenced operations and have no audited financial statements as of the application date may provide unaudited financial statements, including balance sheets, statements of income and retained earnings, and statements of changes in financial condition.
- (b) Attach the most recent federal income tax return. If the Agency is a tax-exempt organization, attach the most recent IRS Form 990, Return of Organizations Exempt From Income Tax.

**New Applicants:** Attach the requested documentation for the most recent two years.  
**Returning Applicants:** Attach the requested documentation for the most recent year.

**Documents are attached.**

- NC  3.9 List all legal actions, proceedings, investigations, arbitrations, mediations, and potential bond or other claims, whether pending or adjudicated, in which the Agency, any affiliate listed in the response to item 2.9(c), or any officer, director, trustee, employee, or agent of the Agency 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  3.10 List all audits, disciplinary or enforcement actions by any applicable tax, oversight, licensing, registration, or certification body against the Agency, any affiliate listed in

the response to item 2.9(c), or any officer, director, trustee, employee, or agent of the Agency, 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  3.11 List and provide any written correspondence between the Internal Revenue Service and the Agency, or any affiliate listed in the response to item 2.9(c), that addresses issues relating to the determination of the Agency’s tax-exempt status, examination, compliance or audit.

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

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

- 3.12 **Continuing obligation to update.** If any action described in items 3.6, 3.9 or 3.10 occurs while the application is pending, or the status of any existing action described in items 3.6, 3.9 or 3.10 changes while the application is pending, the Agency must promptly notify the United States Trustee at the address identified in the Instructions. In addition, if the Agency or an affiliate sends or receives any correspondence described in item 3.11 while the application is pending, the Agency shall provide that correspondence to the United States Trustee.

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

**Section 4. Credit Counseling Methods and Curriculum**

**Counseling 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: <div style="border: 1px solid black; height: 60px; width: 100%;"></div>	Languages Offered: <div style="border: 1px solid black; height: 60px; width: 100%;"></div>	Languages Offered: <div style="border: 1px solid black; height: 60px; width: 100%;"></div>



NC  4.1 State the average duration of a credit counseling session in hours and minutes.

In-person:	Telephone:	Internet:
<input type="text"/>	<input type="text"/>	<input type="text"/>

NC  4.2 List all other counseling services that the Agency provides.

NC  4.3 List the number of referrals of clients or potential clients for counseling based on limited English proficiency, and identify the languages, other than English, requested by such clients or potential clients.

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

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

#### Sections 4.4 - 4.6: Counseling 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. An Agency that seeks approval to provide more than one delivery method shall provide a complete response for each delivery method.

**Returning Applicants:** If the Agency has made no changes to its counseling methods or procedures since the previous application was approved, check the “NC” box where applicable and proceed to item 4.7. **The Agency shall not unilaterally change its counseling methods or procedures without prior United States Trustee approval.**

NC  4.4 In-person counseling. Describe the counseling process, beginning with the process of providing information to or obtaining information from a client or potential client, and ending with certificate issuance. Include the following elements:

- (a) The process of obtaining client information and providing mandatory disclosures;
- (b) The substance of the counseling services; and
- (c) The certificate issuance process, including the timing of certificate issuance and the Agency’s policies concerning which personnel may issue certificates.

- NC  4.5 Telephone counseling. Describe the counseling process, beginning with the process of providing information to or obtaining information from a client or potential client, and ending with certificate issuance. Include the following elements:
- (a) The process of obtaining client information and providing mandatory disclosures;
  - (b) The substance of the counseling services;
  - (c) The Agency's experience and proficiency in providing counseling services over the telephone;
  - (d) The Agency's client identity verification processes;
  - (e) The criteria by which the Agency determines that the client has completed the counseling as it was designed. If the Agency provides automated telephone counseling, describe the process by which the client engages in interaction with a counselor;
  - (f) How and when the Agency delivers the written analysis of the client's current financial condition to the client;
  - (g) A complete response to items 4.5(d), (e), and (f) as to spouses receiving joint counseling; and
  - (h) The certificate issuance process, including the timing of certificate issuance and the Agency's policies concerning which personnel may issue certificates.

- NC  4.6 Internet counseling. Describe the counseling process, beginning with the process of providing information to or obtaining information from a client or potential client, and ending with certificate issuance. Include the following elements:
- (a) The process of obtaining client information and providing mandatory disclosures;
  - (b) The substance of the counseling services;
  - (c) The Agency's experience and proficiency in providing counseling services over the Internet;
  - (d) The Agency's client identity verification processes;
  - (e) The criteria by which the Agency determines that the client has completed the counseling as it was designed, including the process by which the client engages in interaction with a counselor;
  - (f) How and when the Agency delivers the written analysis of the client's current financial condition to the client;
  - (g) A complete response to items 4.6(d), (e), and (f) as to spouses receiving joint counseling;
  - (h) The certificate issuance process, including the timing of certificate issuance and the Agency's policies concerning which personnel may issue certificates; and

- (i) An explanation of any modification or change to any part of the online content or program or mandatory interaction, if any, since the previous application was approved.

NC  4.7 Attach copies of written standards, manuals, procedures, or guidelines, if any, the Agency supplies to its counselors relating to the matters set forth in sections 4.4 through 4.6.

**Section 5. Fees and Fee Waivers**

**5.1 Fees.**

- (a) List all fees and contributions paid by the client in connection with credit counseling services. Specify all fees for single or joint counseling and each delivery method.

- (b) List any reduced rates and the reason for such reduction, including discounts or special rates for clients referred by any attorney or law firm, for spouses who take the counseling jointly, or any other reduction based on criteria other than ability to pay. **The Agency shall not unilaterally decrease its fee without prior notice to the United States Trustee.**

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

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

- (e) If the Agency seeks fees in excess of \$50 per client, describe the basis for the fee increase and provide a cost-based justification. Please see the Instructions. **The Agency 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 client's ability to pay.

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

**Section 6. Disclosures**

Attach copies of all disclosure form(s) that will be provided to clients. Please see the Instructions for a complete list of mandatory disclosures.

**Disclosure documents are attached.**

**Section 7. Administration of Debt Repayment Plans (DRPs) and the Safekeeping and Payment of Client Funds**

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

7.1 Check the box describing the Agency's DRPs:

- The Agency currently offers DRPs. Complete the rest of section 7.
- The Agency has ceased offering DRPs to new clients who receive credit counseling from the Agency but continues to service DRPs that are existing as of the date of this application. **State the date on which the Agency ceased offering DRPs to new clients** \_\_\_\_\_ and complete items 7.3 through 7.9.
- The Agency does not offer DRPs and does not service DRPs on behalf of any clients. Skip to section 8.

7.2 How long has the Agency offered DRPs?  
\_\_\_\_\_years, \_\_\_\_\_months

7.3 State the number of DRPs serviced within the last 12 months:  
\_\_\_\_\_

7.4 State the amount of funds distributed by the Agency to creditors within the last 12-month period: \$ \_\_\_\_\_

NC  7.5 Does the Agency use any independent contractors to administer or process any aspect of its DRPs?

Yes. Continue to item 7.6.

No. Skip to item 7.8.

NC  7.6 Provide the name, address, telephone number, and e-mail address of the independent contractor(s).

NC  7.7 **Independent contractor status.**

For each independent contractor listed in response to item 7.6, check **one** box concerning the independent contractor's status.

The independent contractor performs only electronic fund transfers on the Agency's behalf, and no other functions.

The independent contractor holds funds for transmission for 5 days or less.

The independent contractor is an approved Agency.

The independent contractor is covered under the Agency's surety bond.

None of the above.

NC  7.8 List the names and addresses of each bank or financial institution at which the Agency maintains an operating account or trust account in which client funds will be deposited and withdrawn to pay respective creditors. **Trust accounts must be denominated as trust or fiduciary accounts.**

7.9 Attach the following to the application:

(a) Original surety bond payable to the United States of America, if not previously provided, and copies of any state bonds, including any renewals;

(b) Calculations used to determine the appropriate level of all required bonds;

(c) Proof of adequate employee bonding or fidelity insurance, and any renewals;

- (d) If the Agency identified an independent contractor in item 7.6, please see the Instructions to identify what documents must be attached for item 7.9(d);
- (e) If the Agency listed an independent contractor in item 7.6, attach a copy of any service agreements or contracts between the Agency and each independent contractor; and

NC

- (f) The first page of the most recent bank statement for each trust account identified in item 7.8. If the Agency’s bank account information has not changed since the most recent application was approved, check the “NC” box and do not include an attachment.

**Required documents for item 7.9 are attached.**

**Section 8. 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.

- 8.1 Appendix A: Acknowledgments, Agreements, and Declarations in Support of Application for Approval as a Nonprofit Budget and Credit Counseling Agency.
- 8.2 Appendix B: Judicial Districts.
- 8.3 Appendix C: Business Locations.
- 8.4 Appendix D: Matrix of Current Counselors. For each location listed on Appendix C that will be staffed by counselors providing credit counseling services to clients, enter the counselor’s name in the employee box and complete the information as instructed.
- 8.5 Appendix E: Activity Report for Approved Credit Counseling Agencies. If the Agency has never been approved to provide counseling services, do not complete Appendix E.

**Documents are attached.**

**Section 9. 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 Nonprofit Budget and Credit Counseling Agency**

(Application for Approval as a Nonprofit Budget and Credit Counseling Agency)

**Name of Agency:** \_\_\_\_\_

The Agency 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 Agency 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 Agency 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 Agency'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 Agency's operations and services.
5. It shall immediately notify the United States Trustee, in writing, of any material changes, including changes in the Agency's name, structure, principal contact, management, counselors, physical location, counseling services, fee policy including making or implementing any decreases in fees, 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 immediately notify the United States Trustee if there arises: any legal action, proceeding, investigation, arbitration, mediation, audit or examination by federal or state agencies (including the Internal Revenue Service) that involve the Agency; a change in the Agency's nonprofit status or authorization to operate under state law; a claim against the Agency's surety bonds or employee fidelity insurance policies; or any claim or action in which the Agency or its officers, directors, or employees is a party.
8. It will seek permission from the United States Trustee by submitting an amended application before: making any change in amount of or cancellation of any surety bond or fidelity insurance; engaging an independent contractor to provide credit counseling services or allowing the independent contractor to have access to, possession of or control over client funds; making or implementing any increase in fees, contributions or payments received from clients for credit counseling services; making or implementing any change in its fee policy; any expansion into additional federal judicial districts; or making or implementing any material change in credit counseling services or any change to its methods of delivery.
9. It is organized and operated as a nonprofit entity and has an independent board of directors, board of trustees, or other governing body the majority of which (i) are not relatives; (ii) are not employed by the Agency, and (ii) do not directly or indirectly benefit financially from the outcome of the credit counseling services provided by the Agency.

10. 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 or standing trustee in any federal judicial district where the Agency is providing or is applying to provide credit counseling services; a federal judge or federal court employee in any federal judicial district where the Agency is providing or is applying to provide credit counseling services; or a certified public accountant that performs audits of the Agency's trust account.
11. No Agency owner, employee, officer, insider or related party, or member of the board of trustees, directors, or any other corporate governing body will receive any commissions, incentives, bonuses, or benefits (monetary or non-monetary) of any kind based on the outcome of a credit counseling session.
12. It will provide counselors who have adequate experience and training to provide credit counseling services, and who receive no commissions, incentives, bonuses, or benefits (monetary or non-monetary) based on the outcome of a counseling session.
13. It will conduct a criminal background check every five years for each person providing credit counseling services. If a criminal background check is not available for, or is not authorized by state law in each of the states where the counselor has resided or worked during any part of the immediately preceding five years, the Agency shall obtain a sworn statement from each counselor, at least every five years, which attests to whether the counselor has been convicted of a felony or a crime involving fraud, dishonesty, or false statements. The Agency shall not employ as a counselor anyone who has been convicted of any felony or any crime involving fraud, dishonesty, or false statements, unless the United States Trustee determines circumstances warrant a waiver of this prohibition against employment.
14. It will provide adequate credit counseling services, including a written outline of available counseling opportunities to resolve the client's financial problems, and a written analysis of the client's budget, current financial condition, and the factors that caused such financial condition. Based on the analysis of the client's financial condition, it will assist the client in developing a plan to respond to the problems without incurring negative amortization of debt.
15. It will provide an opportunity to negotiate an alternative payment schedule with regard to each unsecured consumer debt pursuant to 11 U.S.C. § 502(k), or if it is unable to provide such services, it will refer the client to another approved Agency that does so in the applicable federal judicial district.
16. It will not exclude any creditor from a debt repayment plan because the creditor declines to make a "fair share" contribution to the Agency.
17. Any fee, contribution, or payment received for credit counseling services will be reasonable in amount, and the Agency will provide services without regard to a client's ability to pay.
18. It will not disclose or provide to a credit reporting agency information concerning whether an individual has sought or received credit counseling services from the Agency; nor sell information about the client to any third party without the client's prior written permission; nor expose the client to commercial advertising as part of the credit counseling services; nor market or sell financial products or services during the credit counseling session (though it may generally discuss all available financial products and services).
19. Any forms, agreements, contracts or other materials provided to a client will not limit the client's right to seek damages against the Agency as set forth in 11 U.S.C. § 111(g)(2).
20. If credit counseling services cannot be provided to a client for any reason, it will refer clients for credit counseling services only to Agencies that are approved by the United States Trustee.



21. It will not enter into any referral agreements or receive any financial benefit that involves the Agency paying to or receiving from any entity or person referral fees or compensation for the referral of clients to or by the Agency, except under a “fair share” agreement.
22. Any advertisement that refers to the United States Trustee’s approval for the Agency to provide credit counseling services 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 an Agency’s services.”***
23. 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.
24. It will send a certificate to the client, upon completion of credit counseling services, no later than one business day after completion of counseling, 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.
25. It consents to the release and disclosure of the Agency’s name on the approved list and the publication of the Agency’s contact information.
26. If administering debt repayment plans, it has adequate financial resources to provide continuing support services for debt repayment plans over the life of any plan and provide for safekeeping of client funds; it maintains client trust accounts that are audited annually by an independent certified public accounting firm, in accordance with generally accepted accounting principles as defined by the American Institute of Certified Public Accountants and any Statement of Work prepared by the United States Trustee; and has obtained the requisite surety bonds and employee bonding or fidelity insurance.
27. If it has contracted with another entity (“independent contractor”) to administer any part of its debt repayment plan, the independent contractor either: (a) is approved by the United States Trustee as a nonprofit budget and credit counseling agency; or (b) is specifically covered under the Agency’s surety bond, or has a surety bond that meets the requirements of 28 C.F.R. § 58.23(d)(1). The independent contractor shall also agree in writing to allow the United States Trustee to audit the trust accounts maintained by the independent contractor and to review the independent contractor’s internal controls and administrative procedures. However, if the independent contractor holds funds for five days or less, then the amount of the independent contractor’s surety bond shall be \$500,000. Further, if the independent contractor performs only electronic fund transfers on the Agency’s behalf, then the independent contractor need not satisfy the surety bonding and audit requirements of 28 C.F.R. § 58.23(d)(3)(i) during such time as the independent contractor is authorized by the National Automated Clearing House Association to participate in the Automated Clearing House system.

**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

\_\_\_\_\_  
Date

**Appendix B: Judicial Districts**

(Application for Approval as a Nonprofit Budget and Credit Counseling Agency)

**Name of Agency:** \_\_\_\_\_

Check each federal judicial district for which the Agency 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 Counselors**

OMB No. 1105-0084

(Application for Approval as a Nonprofit Budget and Credit Counseling Agency)

Approval Expires

<b>Name of Agency:</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>Counselor 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>COUNSELOR CERTIFICATION (check all that apply)</b>										
<b>Certified by Independent Organization*</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>BACKGROUND CHECK (state the year of the criminal background check and check if no conviction for any felony, or crime involving fraud, dishonesty, or false statements)</b>										
<b>Criminal Check (Year)</b>										
<b>No Criminal Conviction</b>										
<b>ANNUAL CONTINUING EDUCATION</b>										
<b>State year of most recent completion of continuing education course.</b>										

\* Disclose on separate page. See Section 8, Appendix D, of Instructions for additional detail.

## Appendix E: Activity Report for Approved Credit Counseling Agencies

Please submit this report within 30 calendar days following the end of each **six-month period**.

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

<b>Reporting Period:</b> (Check one)	<input type="checkbox"/> July-December	<input type="checkbox"/> January-June	<b>Year:</b> _____
<b>Agency No:</b> _____			
<b>Name of Agency:</b> _____		<b>E-Mail:</b> _____	
<b>Contact Person:</b> _____			
Someone who could answer USTP questions			

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

### New Clients this Reporting Period

<b>Q1</b>	Number of new <b>pre-bankruptcy</b> clients counseled this reporting period	<input style="width: 80%;" type="text"/>
<b>Q2</b>	Number of <b>other</b> new clients counseled this reporting period	<input style="width: 80%;" type="text"/>
<b>Q3</b>	Number of clients <b>requesting</b> counseling in language other than English*	<input style="width: 80%;" type="text"/>
<b>Q4</b>	Number of clients <b>provided</b> counseling in language other than English*	<input style="width: 80%;" type="text"/>
<b>Q5</b>	Number of hearing-impaired clients <b>requesting</b> counseling	<input style="width: 80%;" type="text"/>
<b>Q6</b>	Number of hearing-impaired clients <b>provided</b> counseling	<input style="width: 80%;" type="text"/>

\* Specify languages on next page

### Debt Repayment Plans (DRPs)

<b>Q7</b>	DRPs active at the start of this reporting period	<input style="width: 80%;" type="text"/>
<b>Q8</b>	DRPs active at the end of this reporting period	<input style="width: 80%;" type="text"/>
<b>Q9</b>	Of all new <b>pre-bankruptcy</b> clients seen this reporting period, number enrolled in DRPs	<input style="width: 80%;" type="text"/>
<b>Q10</b>	Of all <b>other</b> new clients seen this reporting period, number enrolled in DRPs	<input style="width: 80%;" type="text"/>
<b>Q11</b>	DRPs closed this reporting period <b>with</b> completed debt repayment plans	<input style="width: 80%;" type="text"/>
<b>Q12</b>	DRPs closed this reporting period <b>without</b> completed debt repayment plans	<input style="width: 80%;" type="text"/>
<b>Q13</b>	Percentage of new <b>pre-bankruptcy</b> new credit counseling clients enrolled in DRPs	<input style="width: 80%;" type="text"/>
		(Q9 ÷ Q1) x 100
<b>Q14</b>	Percentage of <b>other</b> new credit counseling clients enrolled in DRPs	<input style="width: 80%;" type="text"/>
		(Q10 ÷ Q2) x 100

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

**Credit Counseling Certificates Issued this Reporting Period**

	Counseling Method			Q18 Total Fees or Contributions
	a In-Person	b Telephone*	c Internet*	
Q15 Certificates issued at no cost				
Q16 Certificates issued at reduced cost				▶ a
Q17 Certificates issued at regular cost				▶ b
<b>Total</b>				
	(Q15a+Q16a+Q17a)	(Q15b+Q16b+Q17b)	(Q15c+Q16c+Q17c)	(Q18a+Q18b)

\* The former method of delivery, "telephone/Internet," has been eliminated. You must select either telephone or Internet based on the primary method used for delivery of counseling services. Please see the Instructions for more information.

**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.