

Section 341 – The Meeting of Creditors

After you file for Chapter 13 protection, the Court will set a date for your Section 341 Meeting of Creditors (“341 Meeting”). Within 35 to 50 days after you file, you and your co-debtor (if you filed jointly with your spouse) will have to attend a 341 Meeting. You will receive a Notice informing you of the date, time and location of the 341 Meeting. Except in rare circumstances, the debtor(s) must appear in person. Extenuating circumstances may include military service, terminal illness, or incarceration. A debtor’s appearance at a 341 Meeting may be secured by alternative means, however approval must be obtained from the Trustee prior to the scheduled 341 Meeting. Contact your attorney if you believe there are extenuating circumstances applicable to your attendance at the 341 Meeting.

At the 341 Meeting, the Trustee or a representative of the Trustee will ask questions of you under oath regarding the content of your bankruptcy papers, assets, debts and other matters. After the Trustee or his/her representative is done, any creditors who are present for the meeting will have an opportunity to ask you questions regarding the location and condition of your property, hazard insurance coverage and matters related to your financial affairs. Your attorney will be at the 341 Meeting to represent you and will help you prepare for the meeting.

As part of the bankruptcy process, you will receive Notice of a Confirmation Hearing held in order to finalize the plan you are proposing. Plan on attending the Confirmation Hearing unless your attorney tells you otherwise. Also, if you have filed bankruptcy previously, you may have to attend a hearing that determines whether you and/or your estate are able to obtain a stay of action by filing the bankruptcy. Whether you have to attend any further hearings is something you need to discuss with your attorney, as the attorney will be the best one to advise you based upon your case.

Documents required to be submitted to the Trustee at least 7 days prior to the 341 meeting

- Complete copies of your two most recently filed income tax returns or transcripts

Documents required at the 341 meeting:

- 1) **Original government issued photo identification.** Acceptable forms of ID include: driver’s license, passport (or current visa), military ID, resident alien card, US government or State ID, student ID.
- 2) **Original document to verify Social Security number.** Acceptable forms of proof of SSN include: social security card, W-2, paystub or medical card with full SSN, Social Security Administration statement with full SSN. *Tax returns cannot be used as proof of SSN for this purpose.*
- 3) **Copies of the two most recent paystubs for you and your spouse** to verify current household income. Copies of documents verifying other sources of income, such as disability, social security, child support or retirement benefits. *If you operate a business, up to six months of Profit & Loss statement may be necessary.*