

## **COVID – 19 SECTION 341 ANNOUNCEMENT**

341 Meetings of Creditors: Temporary Policies and Procedures effective March 24, 2020.

Due to the public health crisis related to COVID-19, the United States Trustee for the District of West Virginia, is implementing the following temporary policies and procedures with respect to ALL Section 341 meetings of creditors in cases assigned to her/him, which policies and procedures will take effect immediately.

All 341 meetings will be conducted remotely by telephonic means. Each trustee has a conference line and access code. All parties wishing to participate in the Section 341 meeting should consult the Section 341 Notice for the appropriate telephone conference line number and access code.

For debtors with counsel, Debtor's counsel should consult the Section 341 Notice and ensure that the debtors have the correct number and access code. If there is a question or problem obtaining the conference number or access code, the chapter 13 trustee, chapter 7 trustee or the United States Trustee can provide the necessary call in information. If a debtor has the need for an accommodation, such as an interpreter, counsel should contact the chapter 13 or chapter 7 trustee who will work with the United States Trustee to address the accommodation necessary.

For debtors without counsel, Debtors who are not represented by counsel should review the Section 341 Notice for the correct telephone conference number and access code. Debtors who cannot determine the correct conference number or access code can contact the chapter 13 trustee, chapter 7 trustee or the United States Trustee and the information will be provided. A debtor who is not represented by counsel and who needs an accommodation, such as an interpreter, should contact the chapter 13 trustee or chapter 7 trustee who will advise the United States Trustee.

Please check carefully the information for each Section 341 meeting because the call-in number and access code for each trustee is different.

Creditors wishing to participate may obtain access to the connection details by reviewing the Section 341 Notice or by contacting the trustee or counsel for

the debtor. Again, the telephonic conference access information is contained in the Section 341 Notice.

Debtors and their counsel as well as any creditors or interested parties wishing to appear at a 341 meeting should not report to a physical location but should instead make plans to appear remotely by telephone. Neither the Trustee nor the Trustee's staff will be present at any physical location for a Section 341 meeting.

### **Debtor Identification Procedures Through Remote Meetings**

#### **Verification of ID / SSN**

For cases where the debtor is represented, the attorney should:

(i) Provide copies of documents verifying the ID/SSN by the same means by which the required tax returns and pay advices are now provided.

To make the telephonic process as efficient as possible and to enable the Trustee to verify the identity of the debtor(s), a copy of the debtor's driver's license should be sent to the Trustee via email by 12:00 noon two business (2) days prior to the 341 meeting. The email should be directed to the trustee by some form of secure transmission with the debtor name and case number in the subject line. Be advised that an individual trustee may require submission of documents to some other secure site. If the chapter 13 trustee or chapter 7 trustee prefers a means other than email for submitting documents to her or him, the trustee will advise counsel and *pro se* debtors.

Alternatively, counsel may provide the trustee a verification under penalty of perjury that they have determined the identity of the debtor and the debtor's social security number provided to the court and that those are true and accurate.

(ii) *If possible*, counsel should be in visual contact with the debtor(s) during the meeting, *via* Skype, Facetime, etc.,

(iii) confirm on the record that he or she has reviewed the debtor's valid ID (stating what the ID is, e.g. Valid Virginia Driver's License), the name on the ID matches the name on the petition (if it doesn't, the debtor will need to testify and explain, e.g. married name has changed, etc.), based thereon, the debtor testifying is the person whose name is on the petition as the debtor;

(iv) confirm on the record that they reviewed proof of the debtor's SSN (stating what was used to verify the SSN, e.g. original social security card) and that it matches what was reported to the court in this bankruptcy case.

Counsel will be responsible for working out the logistics.

For cases where a debtor does not have an attorney:

(i) The debtor shall copy, scan, or take a picture of their valid ID and proof of SSN and mail / email / send the docs to me before the 341 meeting.

(ii) During the meeting, the debtor should confirm on the record that they provided the trustee with a copy of their valid ID and proof of their SSN. The trustee will then confirm on the record that he/she has reviewed the Debtor's ID (stating what the ID is, e.g. Valid Driver's License) and that the ID they sent matches the name on the petition, and that the trustee has verified the debtor's SSN (stating what was used to verify the SSN, e.g. original social security card) and that it matches what was reported on the debtor's statement of SSN.

(iii) Once the debtor's identity / SSN has been verified on the record, identifying and SSN documents will be destroyed so as not to unnecessarily store personally identifiable information, unless there are potential identity issues, e.g. identity theft, false SSN, etc.

(iv) The chapter 13 trustee and chapter 7 trustee should reach out to *pro se* debtors to ensure that they are aware of the requirements for identification procedures through remote meetings.

## **Phone Etiquette Guidelines**

The following video/phone etiquette guidelines will be required of all parties:

- a. Mute the call/audio while your meeting is not being held.
- b. Limit all background noise while your meeting is being held.
- c. No speaker phone unless two or more persons are appearing on the same line, i.e., debtor and counsel or joint-filing debtors.
- d. Debtors and counsel are to be at a set location, and not in transit, so that full attention can be given to the questions being asked.

e. Only debtors and their counsel as well as creditors or interested parties will be allowed on the connection, i.e., no “moral support” or supplementary answers to be provided by friends or family.

f. Any telephonic or video appearances by debtors without their counsel also present on the conference / call at the appointed time will result in a continuance. After two failed attempts, the trustee will ask for a hearing seeking dismissal of the case.

g. Attorney for the debtor(s) must share their conference information for participation in the teleconferencing 341 meeting with debtors and any creditors who may not have received notice and wish to participate in the meeting.

h. Please provide the Debtor(s) with the Bankruptcy Information Sheet and make sure they read it before the meeting. You can download it in English and many other languages here: <https://www.justice.gov/ust/bankruptcy-information-sheet-0>

These **temporary** policies and procedures do not otherwise affect a debtor’s requirement to submit and provide all other necessary documents to the Court and to the Trustee. Also, please check back often as these procedures will continue to change due to the dynamics of the circumstances.