

## COVID-19 SECTION 341 ANNOUNCEMENT

Due to the public health crisis related to COVID-19, the United States Trustee for the Western District of 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.

Until further notice, all 341 meetings will be conducted remotely by telephonic means.

For debtors with counsel, Debtor's counsel will be provided with the necessary call in information.

For debtors without counsel, the information will be provided directly to you.

Please check information for each 341 meeting because the call-in number and access code will change based on the trustee conducting the meeting.

Creditors wishing to participate may obtain access to the connection details by contacting the trustee or counsel for the debtor.

Debtors and their counsel as well as any creditors or interested parties wishing to appear at a 341 meeting should not report to the physical location of the originally scheduled 341 meeting but should instead make plans to appear remotely by telephone.

Neither the Trustee nor the Trustee's staff will be present at the originally scheduled locations, nor will telephone access be provided at any physical meeting locations. Instead, a call-in number and access code will be provided to all parties. If counsel is aware of creditors that may wish to attend the meeting, they must notify the creditors and the Trustee to arrange their participation.

## 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 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 and proof of the social security number **MUST** be sent to the Trustee via email by 12:00 noon two business (2) days prior to the 341 meeting.

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. The Attorney Declaration Regarding Confirmation of Debtor Identity and Social Security Number must be returned to the Trustee via email by 12:00 noon two business (2) days prior to the 341 meeting.

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

(iii) the trustee must confirm on the record that he/she has reviewed proof of the debtor's identity and 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;

OR, if a verification under penalty of perjury is used, in addition forwarding the requisite form in advance of the meeting, debtor's counsel must 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;

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 the trustee 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 have 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) Additionally, debtors without attorney should complete the questionnaire located here: [https://www.justice.gov/ust-regions-r04/file/debtor\\_declaration\\_wdva.pdf/download](https://www.justice.gov/ust-regions-r04/file/debtor_declaration_wdva.pdf/download)

## **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 show cause hearing seeking dismissal of the case.

g. Attorney for the debtor(s) must share their invitation information for participation in the teleconferencing 341 meeting with debtors and any creditors wishing 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>

## Limited English Proficiency Program

In order to facilitate the efficient use of these interpreter services for telephonic meetings, trustees should use the following procedure for contacting Language Services Associates (LSA), which provides the service InterpreTalk, to obtain interpreter services:

1. The trustee or the trustee's assistant will contact LSA by separate phone or line than the conference line in use for the creditor meeting. Alternatively, the trustee can contact LSA by using the conference call feature on their phone, if available (see discussion of this Alternative Conference Call Option below).
2. A customer service representative (CSR) will answer the call and ask the trustee (or trustee assistant) if they need a "3rd party dial out." The trustee or assistant should reply, "yes."
3. The trustee or trustee assistant will be asked to provide the CSR with the conference line number and participant code for the creditor meeting, and then the trustee/assistant should remain on the line with the CSR.
4. The CSR will call the interpreter and connect the interpreter and the trustee/assistant to the conference line in use for the creditor meeting by dialing the conference number and entering the participant code.
5. Once the interpreter is connected to the conference line in use for the creditors meeting, the trustee or trustee assistant should place the separate phone or line (that was used to call the CSR) on mute for the duration of the meeting in which interpreter services are being used. The trustee should not hang up this separate phone or line because it will cause the interpreter to be disconnected from the conference line in use for the creditors meeting.
6. Upon conclusion of the meeting, the trustee or trustee assistant should hang up the separate line or phone, which will disconnect the interpreter.
7. This access procedure should be repeated each time that the trustee requires an interpreter for a specific meeting.

## 8. Alternative Conference Call Option:

- After connecting to the creditor meeting conference line, the trustees may separately dial LSA from the same phone or line by using a conference call feature to add another party to the call, which may be available on the trustee's phone or line.
- Upon connecting with the CSR, the trustee should request the CSR to connect the trustee to the interpreter.
- After the CSR connects the trustee to the interpreter, the trustee can join the interpreter to the creditors meeting conference line by using the conference call feature on the trustee's phone to add the interpreter.
- When the meeting is concluded, the trustee should drop the interpreter from the conference line in use for the creditor meeting by using the drop caller feature on the trustee's phone.
- This procedure can be used each time the trustee requires an interpreter for a specific meeting.
- It is possible that in certain instances trustees may experience problems in reaching the CSR for LSA. In such event, trustees may use their staff, relative or other third person to serve as an interpreter, provided such person is placed under oath regarding the truth and accuracy of their interpreting and translating questions and responses, in accordance with Rule 604 of the Federal Rules of Evidence, as incorporated by FRBP 9017. The trustee also should report to the United States Trustee any instances of excessive or frequent delays in reaching the CSR for LSA.
- If the debtor is hearing impaired such that the trustee is unable examine the debtor telephonically at the scheduled meeting, the trustee should continue the meeting to a later date to enable the trustee to examine the debtor through a satisfactory alternative, which may include written interrogatories.

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.