

Do I Have to Go to Court?

The 341 Meeting

Yes. Whether filing a Chapter 7 or 13 Bankruptcy, you must attend one hearing called the "Meeting of Creditors" . The purpose of the meeting is to allow the trustee, a non-judicial court -appointed official, to question the debtor about his/her assets and liabilities. The trustee administers the meeting and is there to verify the accuracy of the information listed on the documents filed with the Bankruptcy Court. The trustee is also appointed to determine if you have assets that exceed the amount that your state or federal exemptions permit you to protect. This meeting usually takes place about 30 days after the filing of the case. The meeting is informal and lasts 5 to 15 minutes. Generally, you should arrive 15 minutes before your meeting to meet with your lawyer. You must present a Photo ID and Social Security Card before the meeting can be held. Attendance of the 341 meeting of creditors is mandatory or you will not receive your discharge. Although your creditors also have a right to appear at the meeting and ask questions regarding your debts, they usually do not.

At the meeting the trustee will ask questions regarding the documents filed on your behalf. Here is a sample of a few questions that may be asked:

1. What is your name and address?
2. Did you review the bankruptcy petition with your attorney before filing?
3. Did you list all of your debts?
4. Did you list all of your assets?
5. Are the schedules accurate or are there corrections that need to be made?
6. Have you ever filed a bankruptcy?

Basically, the purpose of this meeting is to ensure that one qualifies to file bankruptcy and that one has disclosed all their assets and debts.