



# U. S. Department of Justice

## Office of the United States Trustee *District of New Mexico*

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### IMPORTANT §341 MEETING POLICY CHANGE

To: Debtors Without An Attorney (Self-Represented Debtors)

From: Ron E. Andazola, Assistant United States Trustee

Re: Debtor Identification Program

Reasons: Increased incidence of identity theft and inaccurate social security reporting on debtors' schedules

Date: February 15, 2002

**EFFECTIVE MARCH 15, 2002 ALL INDIVIDUAL DEBTORS ARE REQUIRED TO PROVIDE PICTURE IDENTIFICATION AND PROOF OF SOCIAL SECURITY NUMBER TO THE TRUSTEE AT THE §341 MEETING.**

Acceptable types of picture identification:

Valid state driver licence, state issued picture identification card, passport or legal resident alien card.

Acceptable proof of social security number ("SSN"):

Social security card, a W-2 form for the most recent tax year or other official document which indicates name and SSN.

Consequences for failure to have required documents:

If a debtor does not have acceptable documents the §341 meeting will be continued to the trustee's next calendar. Failure to produce the documents will result in a Motion to Dismiss filed by the United States Trustee.

Consequences for error in SSN:

If there is an error, you will be required to file an Amended Petition pursuant to Fed. R. Bankr.P. 1009 within ten days from the creditors meeting to correct any incorrect social security number.

Failure to do so will result in a Motion To Dismiss pursuant to 11 U.S.C. §707(a) filed by the United States Trustee.<sup>1</sup>

Goal is to protect innocent third parties from intentional and inadvertent use of SSN:

Bankruptcy filings are primarily reported to credit agencies by social security number. The cost and hardship to correct an adverse credit history can be substantial. With your assistance, we should be able to limit the impact on innocent parties of a case which has been filed with an incorrect social security number.

We appreciate your cooperation in implementing this new policy. If you have any questions or suggestions, please contact the Office of the United States Trustee, 505-248-6544.

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<sup>1</sup>Failure to correct social security number may result in dismissal. See, *In re Riccardo*, 240 B.R.717 (Bankr. S.D.N.Y. 2000)

# Proof of ID and SSN

(ORIGINALS ONLY - COPIES ARE NOT PERMISSIBLE)

DEBTORS need to bring both proof of identity and proof of social security number to the creditors' meetings. Acceptable proof is listed below:

**A. PICTURE IDENTIFICATION:**

- a valid state driver's license
- government-issued picture ID card
- U.S. passport
- government employee photo ID
- military photo ID or legal resident alien card

**B. PROOF OF SSN:**

- Social Security card or Social Security Statement
- a form W-2 for the most recent tax year
- recent payroll tax stub
- health card or other official documentation which indicates name and SSN

Any other form of proof must be approved by the U.S. Trustee.

If the debtor does not have the required proof, or if the trustee determines from the proof presented that the name or Social Security number on the petition is incorrect, the §341 meeting must be adjourned and continued to the trustee's next calendar date. In addition, in those cases in which the petition is incorrect, Debtor and/or Debtor's Attorney will be asked by the trustee and/or the U. S. Trustee to take further appropriate action.

If you have any questions about this process or acceptable forms of proof call:  
Office of the U. S. Trustee, 505-248-6544.