



U.S. Department of Justice

Office of the United States Trustee

*Western District of Missouri*

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**MEMORANDUM**

TO: Bankruptcy Attorneys  
Western District of Missouri

FROM Paula C. Acconcia:  
Assistant U.S. Trustee

RE: **Interrogatories and Affidavit in Lieu of Appearance at Section 341 Hearings**

DATE: April 26, 2004

Sec. 343 requires that "the debtor shall appear and submit to examination under oath at the meeting of creditors under Sec. 341(a)." Under three specific situations, the debtor may file interrogatories in lieu of appearance at the 341 hearing without objection from our office: a written statement submitted by the debtor's doctor that the debtor is medically unable to attend the hearing, incarceration of the debtor, or the debtor is overseas in the military. These very narrow exceptions are supported by case law.

As we are implementing the debtor identity requirements, the question has arisen regarding how we can verify the debtor's identity and social security number when interrogatories are allowed. The affidavit requires the same notary who notarizes the interrogatories, also to verify identity with a picture ID, review documentation of the social security number, and attach a copy of the social security documentation that was reviewed.

Attached are copies of the standard interrogatories, and the new affidavit form. These interrogatories cover the basic questions every debtor should answer. However, if the trustees have additional questions in light of the specific facts of a case, they will amend the form to ask for any information they need to fulfill their responsibilities.

**Please submit the original documents to the case trustee, with a copy to the United States Trustee. Please do not file the interrogatories or affidavit with the Clerk of the Bankruptcy Court.**

I hope you find this information useful in your practice.