

What Happens at a Bankruptcy 341 Hearing? Should I be Scared?

Introduction to the 341 Hearing:

Imagine pushing open the heavy wooden doors and walking into the courtroom. A menacing figure looms over you from the bench; leering as every step you take echoes off the cold marble floors. With a startling crack of his gavel on bench, the Judge snarls:

If you cannot list your savings account balance for the consecutive days between August 4th and September 26th, I will hold you in contempt!

And then you wake up. It is the morning of your 341 hearing and, like most bankruptcy debtors; you are terrified of the upcoming meeting. Hopefully, if you have hired a qualified bankruptcy lawyer, they have already explained what you can expect at your 341 hearing. If not, take a deep breath. I am a bankruptcy attorney, and I am telling you that your 341 hearing is nothing to lose sleep over. Still don't believe me? I thought so. That is why I have taken the time to explain a little about 341 hearings below.

After you file your bankruptcy petition, under either Chapter 7 or Chapter 13 of the bankruptcy code, you will be required to attend a meeting of creditors (a 341 hearing). The meeting is commonly scheduled in the ballpark of 30 days post filing. The most important thing to remember is that the 341 meeting is informal, short and often the only meeting you'll need to attend.

What is the Purpose of the 341 Meeting?

A 341 meeting allows the trustee appointed to your case an opportunity to ask questions, under oath, concerning your current financial situation. Creditors may also ask you questions, though it's strictly a fact-finding meeting. You will not be asked to justify filing bankruptcy.

Will My Creditors Be at the Meeting?

Creditors are invited to the meeting but they don't often attend. See, creditors don't need to be at the 341 meeting to challenge the discharge in a Chapter 7 bankruptcy or to object to a payment plan in Chapter 13, so generally they don't come. If they do attend, they will have the opportunity to ask you questions.

What Happens during the Meeting?

The 341 meeting is essentially a meeting between you and your bankruptcy trustee. There isn't a judge at a 341 meeting; however, you will be asked to take an oath to tell the truth. The meeting

will either be tape recorded or recorded by a court reporter. The entire meeting is generally over within 15 minutes.

I should also point out that these meetings are scheduled in groups. This means that a handful of debtors will have their 341 hearing scheduled at the same time as yours. All meetings will take place in the same room, which means that others may be present for your hearing. Depending on your placement in the schedule, you may have to sit through several other hearings before yours is called.

The trustee will ask you questions. The meeting is mostly a chance for the trustee assigned to your case to verify the information you have provided and find out if anything is missing from the paperwork. You may ask the trustee any questions you want at any time.

The trustee will probably ask you your name, address and social security number. The trustee will ask whether your bankruptcy petition accurately lists all of your assets and all of your debts. The trustee may ask about how you valued the property that you listed on your petition. The trustee may also ask if there have been any significant changes since you filed.

If you filed a [Chapter 13](#) case, the trustee may repeat the plan provisions in very general terms to make sure she understands what your plan proposes and to make sure that you understand what your plan is proposing.

If there are any creditors present, they will have an opportunity to ask you questions too. They may ask you questions concerning your property and financial affairs. You should be prepared to answer questions about your filings and to ask questions about anything you do not understand.