

**Guidance on Authenticating Debtor Identification for
Chapter 13 Meetings of Creditors for the
Southern & Winchester Divisions of the Eastern District of Tennessee
During the COVID-19 Pandemic**

THIS GUIDANCE ONLY APPLIES TO CHAPTER 13 MEETINGS OF CREDITORS FOR THE SOUTHERN AND WINCHESTER DIVISIONS DURING THE COVID-19 PANDEMIC. Additional guidance may be implemented in the future.

This is a unique time in our country where “business as usual” is either being halted or revised to ensure public health, welfare and safety. There are many local, state and federal mandates, as well as CDC guidance, which are disrupting normal business practices. Modification of business practices requires critical thinking and quick solutions to stay compliant with the rapidly changing environment. Unfortunately, this can be complex and there are not a lot of “one fits all” solutions.

The Chapter 13 Trustee’s Office for the Southern and Winchester Divisions will be utilizing Zoom web and telephonic conferencing for all meetings of creditors until further notice. This does not allow the Chapter 13 Trustee to authenticate the identification of debtors. **Attorneys for debtors must be able to (1) identify the debtor and (2) authenticate the identification of their client at the beginning of the meetings and for purposes of the oath, and will be asked to do so on the record as an officer of the court. Please authenticate identification of the debtor PRIOR to the meeting. Because there is no confidential way to do this during the meeting of creditors, attorneys must NOT authenticate identification during the meeting of creditors.** The Chapter 13 Trustee will do her best to prevent transmission of such information either by internet or telephone during the meeting of creditors. Attorneys will need to authenticate BOTH (1) government issued picture identification and (2) identification of social security number or tax identification number. A list of UST acceptable identification documents can be found below. When you perform your authentication, please ensure that ECF accurately reflects the debtors’ current address and social security/tax identification number.

At the meeting of creditors, debtors’ attorney will be asked (1) to identify the debtor(s) and (2) whether they have authenticated identification. Debtor(s) and attorneys may web or teleconference from the same physical location or two different physical locations. If debtor(s) and their attorneys appear from the same physical location, then identification is simple. **If debtor(s) and their attorneys appear from separate physical locations, then:**

- 1. Web conferencing is the preferred method because debtor identification is straightforward.**
- 2. Teleconferencing is more difficult and identification of the debtor would at a minimum require the attorney to know and disclose on the record the number from where the debtor is calling.**

As officers of the court, attorneys should carefully consider their duties and responsibilities so that they can accurately answer both questions on the record. If the attorney is unable to identify the debtor, the meeting of creditors cannot be conducted. If the attorney is unable to authenticate the debtor(s)’ identification, then the trustee will lodge an objection to confirmation. Since attorneys will be responding as officers of the court, the trustee will not require you to disclose your method or means of authentication unless a problem arises as to the debtors identification.

Pro Se debtors will be required to present valid identification to trustee staff or authorized third parties prior to their meetings of creditors. Pro Se debtors will also have to coordinate their means of participation for the meeting of creditors prior to date of the meeting.

A list of UST acceptable identification documents are on the next page:

Examples of Government Issued Photo Identification

- Driver's License
- State Identification Card
- Passport
- Military Identification Card
- Other acceptable photo identification methods as used by notaries, court reporters or judicial officers.

Examples of Social Security/Tax Number Identification

- Social Security Card
- Social Security Administration Statement
- W-2 Form
- Recent Payroll Stub
- Employer's Health Card or Medical Insurance Card
- Other acceptable social security or tax identification methods as used by notaries, court reporters or judicial officers.