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PERSONAL BANKRUPTCY FILERS IN LOUISIANA AND MISSISSIPPI MUST SHOW PROOF OF IDENTIFICATION

NEW ORLEANS—Every individual filing a personal bankruptcy case in Louisiana or Mississippi must show photographic identification and proof of Social Security number (SSN), it was announced today by R. Michael Bolen, United States Trustee for Louisiana and Mississippi (Region 5). The new requirement applies to cases filed on or after June 1, 2002, and is being implemented to combat fraud and to ensure the accuracy of the bankruptcy record.

In January, the U.S. Trustee Program began to phase in the debtor identification requirement nationwide, based upon the findings of a six-month pilot program it conducted in 2001. The U.S. Trustee Program is a Justice Department component that works to ensure the integrity of the bankruptcy system and intervenes in court to enforce the bankruptcy laws.

Individuals filing for personal bankruptcy will be required to provide original documents for proof of identity and SSN when they appear at the statutorily mandated Section 341 meeting of creditors to discuss their financial obligations. In the Western District of Louisiana, a local bankruptcy rule has required the production of copies of the debtor's Social Security card and a picture identification with the filing of the petition since May 3, 2001. Producing original identification documents at the meeting of creditors is a separate requirement to verify that the person appearing to be examined is the person who filed for bankruptcy protection.

Permissible forms of photographic identification include a valid state driver's license, U.S. passport, government-issued picture ID card, state-issued picture ID card, student picture ID card, military ID card, or legal resident alien card. Proof of SSN may be provided through documents such as a Social Security card, current Internal Revenue Service W-2 Form, payroll check stub, medical insurance card, Internal Revenue Service Form 1099, or Social Security Administration Statement. Other forms of identification or proof of SSN may be accepted at the discretion of the U.S. Trustee.

The U.S. Trustee Program conducted the pilot program to require individual debtors to provide proof of identity and SSN in 18 judicial districts during the first half of 2001. Primary goals of the pilot program were to ensure an accurate bankruptcy court record and to determine whether instances of misidentified bankruptcy filers and incorrect SSNs were widespread.

The pilot program found inaccurate names or SSNs in 1,225 Chapter 7 and Chapter 13 cases—about one percent of the pilot cases—according to a report issued in December 2001 by the Executive Office for U.S. Trustees (EOUST) in Washington, D.C. Just over 80 percent of the inaccuracies were due to typographical errors such as transposition of digits in an SSN, but the rest involved questionable names, questionable identity documents, or possible misuse or falsification of SSNs. In cases of apparent identify theft or identity fraud, U.S. Trustee staff filed civil enforcement actions and, when appropriate, referred cases to the U.S. Attorney for criminal investigation.

Although a significant number of problems were identified through the pilot program, the EOUST report concluded that most problems could be addressed by implementing relatively simple identification procedures with minimal burdens on all participants.

The 22-page report plus appendices are posted on the U.S. Trustee Program’s website at <http://www.usdoj.gov/ust/otherinitiatives/debtorid/report.html> .

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