

Marie-Ann Greenberg
Chapter 13 Standing Trustee

Adjournment of 341(a) Hearing Policy:

- Requests for adjournment of the 341(a) Hearing must be made no later than 2:00 p.m. on the Thursday prior to the scheduled date.
- Adjournment requests will not be granted unless debtor has provided this office with a copy of his or her most recently filed Federal Tax Return in compliance with 11 U.S.C. 521(e)(2).
- In addition, debtor must provide this office with a certification indicating whether or not all tax returns for all taxable periods ending during the 4-year period prior to the petition date have been filed (11 U.S.C. 1308). A form certification can be found on our website. If the required tax returns have not been filed, debtor will be required to enter into a Consent Order setting forth a deadline to file same as a condition of the adjournment.
- If debtor fails to appear at the scheduled 341(a) Hearing, the Trustee will seek dismissal of the case and will not adjourn the hearing unless the debtor can demonstrate that there was an emergency, which prevented him or her from attending on the scheduled date. In addition, the adjournment will not be granted unless debtor has provided this office with a copy of his or her most recently filed Federal Tax Return in compliance with 11 U.S.C. 521(e)(2). Finally, as a condition of the adjournment, debtor must provide this office with the certification, as mentioned above, within 5 days of the missed hearing date. Again, if the required tax returns have not been filed, debtor will be required to enter into a Consent Order setting forth a deadline to file same.