Reaffirmation Agreements

What is a reaffirmation agreement?

A reaffirmation agreement is an agreement by which a bankruptcy debtor becomes legally obligated to pay all or a portion of an otherwise dischargeable debt. Such an agreement must generally be entered into within sixty (60) days after the first date set for the meeting of creditors.

A reaffirmation agreement must be filed on Form B2400. Reaffirmation agreements must be signed by the debtor(s), the creditor, and the debtor‘s attorney if they are represented by an attorney. If your reaffirmation agreement is not filed on the correct form, or is missing any of the requisite signatures, the reaffirmation agreement will be set for hearing.

If the reaffirming debtor is represented by an attorney and the agreement complies with 11 United States Code § 524(c), no hearing for approval of such an agreement is generally necessary. If the reaffirming debtor is not represented by an attorney (pro se), the court will schedule a hearing. The debtor must appear in person at the hearing.

The Judge will ask questions to determine whether the reaffirmation agreement imposes an undue hardship on the debtor or the debtor’s dependants and whether it is in the debtor’s best interests.

Reaffirmation agreements are strictly voluntary. They are not required by the Bankruptcy Code or other state or federal law.