

**B-4008-1**  
**Discharge and Reaffirmation Hearings**

(a) The court will not hold hearings concerning any reaffirmation agreement unless a motion to do so, signed by the debtor and, if the debtor is represented by counsel, debtor's counsel, is filed with the court.

(b) A motion for a hearing concerning any reaffirmation agreement shall be filed as a separate document and not incorporated into any other filing.

**Commentary (1994)**

This rule is designed to eliminate the discharge/reaffirmation hearing unless the court is required to approve the agreement (pro se debtor) or a party to the agreement would like to have one held. This will allow the court, should it desire to do so, to avoid giving a speech, containing belated warnings to people who would rather not have to listen. Authority for making the hearing optional is found in Rule 4008 which provides that the court "may" hold the hearing. Furthermore, the Tenth Circuit has recently recognized that the debtor may waive the hearing, by failing to appear. In re Sweet, 954 F.2d 610 (10th Cir. 1992), aff'g 116 B.R. 283 (Bankr. N.D. Ok. 1990).

**HISTORICAL AND REGULATORY NOTES**

*Pursuant to Order Adopting Interim Bankruptcy Rules and Amending Local Bankruptcy Rules dated October 14, 2005, this rule was revised to better implement the provisions of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.*