

Debt Collection and Your Rights

If you are behind in paying your bills, you can expect to hear from a debt collector.

A debt collector is someone, other than the creditor, who regularly collects debts owed to someone else. Lawyers who collect debts on a regular basis are considered debt collectors, as are companies that buy delinquent debts and then try to collect them.

If you are in debt, under the Fair Debt Collection Practices Act (FDCPA) you have certain rights. Asserting your rights will not make your debt go away, but you do have the right to not be subjected to abusive, unfair, or deceptive debt collection practices. Here's a summary of your rights:

- A debt collector may contact you in person, by mail, telephone, telegram, or fax, but may not contact you at inconvenient times or places.
- If an attorney is representing you about the debt, the debt collector must contact the attorney, rather than you. If you don't have an attorney, a collector may contact other people only to find out your address, your phone number, and where you work.
- You can stop contact from debt collection companies by requesting it in writing. Make a copy of the letter you send and send the original by Certified Mail to the debt collector. Be sure to also pay for a "return receipt" so you'll be able to document what the collector received.
- A debt collector may not harass, oppress, or abuse you or any third parties they contact about you.
- A debt collector may not lie or mislead anyone when collecting a debt.

If you feel that a debt collector is violating the FDCPA, you may file a complaint against them through the Federal Trade Commission. Please keep in mind that the FCCPA applies only to those collecting debts for a third party.

Illegal Collection Practices

Your rights also extend to specific debt collection practices. Debt collectors may not engage in any of the following behaviors:

- *Harassment* - Debt collectors may not harass, oppress, or abuse you or any third parties they contact.
- *False or Other Prohibited Statements* - Debt collectors may not lie when they are trying to collect a debt.
- *Unfair Practices* - Debt collectors may not engage in unfair practices when they try to collect a debt. They may not:
 - Give false credit information about you to anyone, including a credit reporting company.
 - Send you anything that looks like an official document from a court or government agency if it isn't.
 - Use a false company name.
 - Try to collect any interest, fee, or other charge on top of the amount you owe unless the contract that created your debt – or your state law – allows the charge.
 - Deposit a post-dated check early.
 - Take or threaten to take your property unless it can be done legally.
 - Contact you by postcard.

Reporting Illegal Debt Collection

If a debt collector has violated the FDCPA when attempting to collect debt, you have the right to sue a collector in a state or federal court within one year from the date the law was violated. If you win, the judge can require the collector to pay you for any damages you can prove you suffered because of the illegal collection practices, like lost wages and medical bills. The judge can require the debt collector to pay you up to \$1,000, even if you can't prove that you suffered actual damages. You also can be reimbursed for your attorney's fees and court costs.

You can also report any problems you have with a debt collector to your state Attorney General's office (www.naag.org) and the Federal Trade Commission (www.ftc.gov). Many states have their own debt collection laws that are different from the federal Fair Debt Collection Practices Act. Your Attorney General's office can help you determine your rights under your state's law.

Even if a debt collector violates the FDCPA in trying to collect a debt, the debt does not go away if you owe it.