
UNABLE TO PAY YOUR CONSUMER DEBT?

Do I have any rights?

Yes. There are Federal and State laws that protect you from unfair consumer debt collection practices. One of the most important protections is that you cannot be harassed by debt collectors to pay your debts. If you owe the debt, however, legal action to collect the debt—such as the filing of a lawsuit—can be taken.

What is a “debt collector”?

A debt collector is anyone who regularly collects or tries to collect a debt that you owe to someone else. A debt collector is not the original person or business that you owe money to. If a debt collector contacts you, the debt collector must send you a letter within five (5) days to tell you about the debt they are trying to collect. The letter must include the amount you owe, the name of the original person or business that you owe money to, your rights to dispute the debt and how you can request verification of the debt.

What if I disagree with the information in the letter from the debt collector?

If you disagree with the information in the letter from the debt collector, you may dispute the debt or request verification of the debt. To do this, you should send a letter to the debt collector requesting verification of the debt. You must send the letter within 30 days of receiving the letter from the debt collector. The debt collector is not permitted to contact you again unless the debt collector sends you proof that you owe the money.

Can a debt collector call me at work?

Yes. A debt collector can call you at work but you have the right to request not to be contacted at work.

Is there anything I can do to get debt collectors to stop contacting me?

If you want the debt collector to stop contacting you, write a letter, called “Cease Communication Letter,” asking the debt collector to stop. Once the debt collector receives your letter, the debt collector may not contact you except to confirm that there will be no further contact, or to tell you that the debt collector will take specific action to collect the debt, such as filing a law suit. If the debt collector contacts you more than the one time allowed, they are in violation of the law and you may have a legal claim against them.

It is important to remember that a “Cease Communications Letter” will not get rid of the debt for you. It only means that the debt collector will have to stop contacting you. You can still be sued in Court. If a debt collector sues you, they could get a judgment against you. If a debt collector obtains a money judgment against you, the debt collector could try to garnish your wages or bank account or put a lien on your real property.