

Stop Debt Collectors Cold and get Back on Your Financial Feet

By Gerri Detweiler

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By John Ventura, Attorney

As a consumer law attorney who counsels people with debt problems, I've heard my share of horror stories about debt collectors. For example, a college student client was threatened that she'd be arrested if she did not pay a credit card debt, and another client was called 12 times in one day at work about a debt that was 14 years old. If they knew their rights, these people could have avoided the emotional stress they experienced at the hands of aggressive debt collectors. This article provides you with an overview of those rights so you don't have to suffer like my clients did.

You don't have to put up with abuse from debt collectors! Despite what they may tell you, debt collectors cannot put you in jail, make you lose your job, or ruin your credit forever if you don't pay a debt. The federal Fair Debt Collection Practices Act (FDCPA) sets very strict limits on what debt collectors can and cannot do. Those limits include when they can call you, what they can say and what they can do to collect a debt.

The FDCPA in a Nutshell

The FDCPA applies to outside debt collection agencies, but not to creditors collecting their own debts. However, your state may have a law that applies to in-house debt collectors. Call your state attorney general's office to find out.

Among other things, the FDCPA says that debt collectors

cannot:

- Lie to you, use racial slurs or insults, or threaten you with violence.
- Call you repeatedly, or call before 8 a.m. or after 9 p.m.
- Call you at work if you've told them you can't accept their calls on the job.
- Contact your employer about a debt unless the debt collector is trying to collect past due child support payments from you.
- Tell others about your debt.
- Garnish your wages without taking you to court first.
- Make false statements, such as telling you they will ruin your credit "forever". They can't.

You have the right, within 60 days of first being contacted by a collector, to ask for written proof of the debt, and the debt collector must provide it. Be sure to ask for proof if there is any question that you owe a debt or if you need time to figure out how to pay a debt you know you owe. Keep careful notes regarding each conversation you have with a debt collector, and copies of all correspondence to and from the collector. These records will be helpful if you need to sue a debt collector.

You Can STOP Debt Collectors

You can write to a debt collector to tell him not to contact you anymore. After he receives your letter, the FDCPA requires the collector to cease all contact with you other than to let you know about a specific action he is going to take -- sue you for example. The drawback of ceasing contact however, is you eliminate the option of negotiating a payment arrangement with the collector or settling your debt for less. However, if you believe you really don't owe a debt or if you truly can't afford to pay it, telling a debt collector to stop contacting you may make sense.

Time and again I've seen collectors try to pressure consumers into paying them immediately by threatening to seize their assets, take money from their bank accounts, or garnish their wages. However, a debt collector cannot do any of these things without getting the court's permission first. Furthermore, you will have plenty of notice from the court about what a debt collector wants to do so you can hire an attorney to stop him.

What To Do If A Collector Violates The Law

If you believe that a debt collector has violated your rights, or you need advice about the best way to deal with a collector, contact a consumer attorney (visit www.naca.net for a referral). You should also register a complaint about the collector with the Federal Trade Commission at <http://www.ftc.gov> . For much more information about dealing with debt collectors, visit my website at <http://www.StopDebtCollectorsCold.com> , or contact my Co-author, Gerri Detweiler, at <mailto:gerri@ultimatecredit.com> .

John Ventura is a consumer law attorney and board certified in bankruptcy law. He is also a national authority on consumer and small business financial and legal issues. He has a consumer law firm in the Rio Grande Valley of South Texas and is the author of 13 books, including The Bankruptcy Kit and The Credit Repair Kit, and the new ebook, Stop Debt Collectors Cold. He has been featured on CNN, National Public Radio and in numerous newspaper and magazine articles nationwide.

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