

Stop Debt Collectors Cold and get Back on your Financial Feet

By John Ventura, Gerri Detweiler

Stop Debt Collectors Cold and get Back on your Financial Feet

John Ventura, Gerri Detweiler
gerri@ultimatecredit.com

Stop Debt Collectors Cold and get Back on your Financial Feet www.StopDebtCollectorsCold.com

Stop Debt Collectors and Get Back on Your Financial Feet

By John Ventura, Attorney

John Ventura is a consumer law and board certified bankruptcy attorney and the author of twelve books, including the new ebook, Stop Debt Collectors Cold (www.StopDebtCollectorsCold.com).

Many consumers are falling behind on their bills because of too much debt, a slowed economy and job layoffs, among other reasons. Eventually, some of these consumers will hear from a debt collector.

The Federal Trade Commission reports that it receives more consumer complaints about debt collection agencies than about any other industry, and as a consumer law attorney who counsels people with debt problems I've heard my share of horror stories about people who have been abused by debt collectors. For example, a college student client was threatened that she would 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. Then there was the elderly client who tried to commit suicide because a debt collector told her that if she did not pay a debt she owed by noon that day, she would lose her home. In each instance, these people could have avoided the emotional stress they experienced at the hands of aggressive debt collectors if they had been informed about their debt collection legal rights.

This article provides you with an overview of those rights so that you don't have to suffer like my clients did. It's bad enough to worry about how you are going to pay your bills. You don't need the additional stress of living in fear over what a debt collector will do to you if you can't pay them all!

The most important thing you need to know about debt collectors is that if they harass you or are verbally abusive, you don't have to put up with that behavior. Although many debt collectors are polite, some bad apples may use extremely aggressive tactics to pressure you into paying what they say you owe. However, despite what they may tell you, debt collectors cannot put you in jail, cannot make you lose your job, nor can they ruin your credit forever if you do not pay a debt. Furthermore, there is a federal law, the Fair Debt Collection Practices Act (FDCPA), which 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--agencies that are hired by creditors to

collect debts from consumers-- but it does not apply to creditors who are 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. (If your wages are garnished, your employer will be legally obligated to take a certain amount of money out of your paychecks to pay off a debt that you owe. Some states limit the amount that can be garnished; others do not allow wage garnishment at all.)
 - Make false statements, such as telling you they will ruin your credit "forever". (They can't.
- Collection accounts can be reported to credit bureaus for just seven and a half years from the date you first fell behind on the debt that is in collections.)

A debt collector can contact you for the first time about a debt he wants to collect from you using the telephone or the mail. However, he cannot send you a postcard about your debt, nor can he mail his correspondence in an envelope that indicates it is from a debt collector. Also, within five days of contacting you for the first time, the debt collector must send you a formal written notice about the debt and must include certain information in that notice.

You have the right, within 60 days of first being contacted by a collector, to ask for written proof of the debt. The FDCPA requires that the debt collector provide you with that proof. Be sure to ask for written proof if there is any question that you owe a debt or if you need time to figure out how to pay a debt that you know you owe.

Keep careful notes regarding each conversation you have with a debt collector and keep copies of all correspondence both to and from the collector. You may need this information if the debt collector violates your legal rights and you decide to sue.

You Can STOP Debt Collectors

If you do not want a debt collector to continue contacting you about a debt, you can write to the collector to tell him not to contact you anymore. After he receives your letter, the FDCPA requires that the debt collector cease all contact with you other than to let you know about a specific action he is going to take to collect your debt-sue you for example. You need to be aware however, that there is a drawback to telling a debt collector to stop contacting you. Namely, you eliminate the option of trying to negotiate a payment arrangement with the debt collector or of settling the debt for less than its full amount. However, if you believe that 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 up immediately by threatening to tell others about their debt, seize their assets, take money out of their bank accounts, or to 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. As soon as a debt collector threatens you in any way, be sure to call a consumer law attorney immediately. The attorney should have specific experience handling FDCPA cases. Do not try to deal with such threats on your own.

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 the web site of the National Association of Consumer Advocates at www.naca.net for a referral). Also, be sure to register a complaint against the debt collector with the Federal Trade Commission at www.ftc.gov . For much more information about dealing with debt collectors, visit my website at www.StopDebtCollectorsCold.com

Get-Articles.com : 1000's of reprintable business and internet marketing-related articles.

[Submit your article for reprint.](#)