

What to Do When Collection Agencies Call or Write

If you fall behind in paying your debts, your account may be turned over to a “debt collector,” or you may have been contacted by a debt collector regarding a debt that is not yours. The Fair Debt Collection Practices Act (FDCPA) requires that debt collectors treat you fairly and also prohibits certain methods of debt collection. Below are highlights of the FDCPA as well as helpful information for dealing with debt collectors.



Consumers who are experiencing problems with a debt collector and need help may contact our office at 330-643-2879 or file a complaint in writing, see “How to File a Complaint.”

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[What debts are covered?](#)

Personal, family, and household debts are covered under the Act. This includes money owed for the purchase of an automobile, medical care, loans, credit or department store accounts.

[Who is a debt collector?](#)

A debt collector is any person who regularly collects debts owed to others. This includes attorneys who collect debts on a regular basis. This law does not apply to original creditors while you still have an open account with them. When you quit making payments and your account is turned over to a collection agency, the law takes affect.

[How may a debt collector contact you?](#)

A collector may contact you in person, by mail, telephone, cell phone or fax. However, a debt collector may not contact you at inconvenient times or places, such as before 8 a.m. or after 9 p.m., unless you agree. A debt collector also may not contact you at work if you have notified the collection agency that your employer disapproves of such calls. It is recommended that such notifications are done in writing.

[What must the debt collector tell you about the debt?](#)

Within 5 days after you are first contacted, the collector must send you a written notice telling you the amount of money you owe; the name of the creditor to whom you owe the money; and what action to take if you believe you do not owe the money.

[Can you stop a debt collector from contacting you?](#)

Yes, by writing a letter to the collector telling them to stop. You may specify that the collection agency is to stop calling, writing or cease all contact with you. Once the collector receives your

letter, they may not contact you again except to say there will be no further contact or to notify you that the debt collector or the creditor intends to take some specific action. Be aware, that sending such a letter to a collector does not make the debt go away if you actually owe it. You could still be sued by the debt collector or your original creditor.

May a debt collector contact anyone else about your debt?

Yes, a collector may contact other people but only to find out where you live, what your phone number is and where you work. The collectors generally call the individuals you listed when you filled out your credit application or loan documents. Collectors usually are prohibited from contacting such third parties more than once. In most cases, the collector may not tell anyone other than you that you owe money.

How should you make payments to a debt collector?

When making a single payment or arranging a payment schedule, it is recommended that you DO NOT give out your checking account information or credit/debit card numbers. Make payments with money orders or some other third-party payment service so that you have proof of payment but avoid paying with a personal check. Avoid allowing collectors to make direct electronic withdrawals from bank accounts so that you can prevent unexpected withdrawals.

May a debt collector continue to contact you if you believe you do not owe money?

A collector may not contact you if, within 30 days after you receive the written notice, you send the collection agency a letter stating you do not owe money. However, a collector can renew collection activities if you are sent proof of the debt, such as a copy of a bill for the amount owed.

What types of debt collection practices are prohibited?

Harassment. Debt collectors may not harass, oppress, or abuse you or any third parties they contact. For example, debt collectors may not:

- use threats of violence or harm;
- publish a list of consumers who refuse to pay their debts (except to a credit bureau);
- use obscene or profane language or repeatedly use the telephone to annoy someone.

False statements. Debt collectors may not use any false or misleading statements when collecting a debt. For example, debt collectors may not:

- falsely imply that they are attorneys or government representatives;
- falsely imply that you have committed a crime;
- falsely represent that they operate or work for a credit bureau;
- misrepresent the amount of your debt;
- indicate that papers being sent to you are legal forms when they are not;
- indicate that papers being sent to you are not legal forms when they are.

Debt collectors also may not state that:

- you will be arrested if you do not pay your debt;
- they will seize, garnish, attach or sell your property or wages, unless the collection agency or creditor intends to do so, and it is legal to do so; or
- actions, such as a lawsuit, will be taken against you, when such action legally may not be taken or when they do not intend to take such action.

Unfair practices. Debt collectors may not engage in unfair practices when they try to collect a debt. For example, debt collectors may not:

- collect any amount greater than your debt, unless your state law permits such a charge;
- deposit a post-dated check prematurely;
- use deception to make you accept collect calls or pay for telegrams;
- take or threaten to take your property unless this can be done legally;
- contact you by postcard.

Debt collectors may not:

- give false credit information about you to anyone, including a credit bureau;
- send you anything that looks like an official document from a court or government agency when it is not;
- use a false name.