

## **Agents Column for Extension Notes**

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If you're behind in paying your bills, or a creditor's records mistakenly make it appear that you are, a debt collector may be contacting you. Consumer's have rights under the Fair Debt Collection Practices Act (FDCPA) which prohibits debt collectors from using abusive, unfair, or deceptive practices.

The Act covers personal, family, and household debts, including money you owe on a personal credit card account, an auto loan, a medical bill, and your mortgage. The FDCPA doesn't cover debts you incurred to run a business.

Under the provisions of the Act, a debt collector may not contact you at inconvenient times or places, such as before 8 in the morning or after 9 at night, unless you agree to it. And collectors may not contact you at work if they're told (orally or in writing) that you're not allowed to get calls there.

If a collector contacts you about a debt, you may want to talk to them at least once to see if you can resolve the matter – even if you don't think you owe the debt, can't repay it immediately, or think that the collector is contacting you by mistake. If you decide after contacting the debt collector that you don't want the collector to contact you again, tell the collector – in writing – to stop contacting you. Here's how to do that:

Make a copy of your letter. Send the original by certified mail, and pay for a "return receipt" so you'll be able to document what the collector received. Once the collector receives your letter, they may not contact you again, with two exceptions: a collector can contact you to tell you there will be no further contact or to let you know that they or the creditor intend to take a specific action, like filing a lawsuit. Sending such a letter to a debt collector you owe money to does not get rid of the debt, but it should stop the contact. The creditor or the debt collector still can sue you to collect the debt.

Every collector must send you a written “validation notice” telling you how much money you owe within five days after they first contact you. This notice also must include the name of the creditor to whom you owe the money, and how to proceed if you don’t think you owe the money.

If you send the debt collector a letter stating that you don’t owe any or all of the money, or asking for verification of the debt, that collector must stop contacting you. You have to send that letter within 30 days after you receive the validation notice. But a collector can begin contacting you again if it sends you written verification of the debt, like a copy of a bill for the amount you owe.

Debt collectors have many restrictions. They may not harass you or use abusive language. They cannot talk to anyone but you or your attorney about the debt. They cannot falsely claim to be a law enforcement official or a credit bureau representative. They also cannot threaten to sue or garnish wages or seize property unless they actually intend to do so. Even if a debt collector violates the FDCPA in trying to collect a debt, the debt does not go away if you owe it.

If you don’t pay a debt, a creditor or its debt collector generally can sue you to collect. If they win, the court will enter a judgment against you. The judgment states the amount of money you owe, and allows the creditor or collector to get a garnishment order against you, directing a third party, like your bank, to turn over funds from your account to pay the debt.

Wage garnishment happens when your employer withholds part of your compensation to pay your debts. Your wages usually can be garnished only as the result of a court order. Don’t ignore a lawsuit summons. If you do, you lose the opportunity to fight a wage garnishment. Many federal benefits are exempt from garnishment. But federal benefits may be garnished under certain circumstances, including paying delinquent taxes, alimony, child support, or student loans.

If a debt collector files a lawsuit against you to collect a debt, respond to the lawsuit, either personally or through your lawyer, by the date specified in the court papers to preserve your rights.

To learn more about debt collection and other credit-related issues, visit [www.ftc.gov/credit](http://www.ftc.gov/credit) and [MyMoney.gov](http://MyMoney.gov).