

Debt Collection Rights

Contributed by Susan Megge

The phone is ringing off the hook and caller ID identifies the incoming calls as "unknown caller," toll-free call, or "out of area." When you finally politely answer the phone you're confronted by an obnoxious, rude and threatening bill collector.

If you're having difficulty paying your bills, this scenario is not uncommon. The tactics used by some debt collectors can often make consumers fear the worst, with threats of arrest, wage garnishment and lawsuits. These types of aggressive and deceptive unfair collection practices have the potential to lead to personal bankruptcy, marital problems, job loss and invasion of privacy. Knowing your rights under the Fair Debt Collection Practices Act (FDCPA) can help arm you with the tools needed to stop these bullies from harassing you any further.

I once received a call from a client who was in an absolute state of panic as a result of a call she received from one such bully. The bill collector threatened to call my client's employer to inform them of the debt my client owed. Needless to say, this particular client was fearful of losing her job. Fortunately, I was able to calm her nerves with a speedy FDCPA course. The fact is, debt collectors are prohibited from revealing that a consumer owes a debt to anyone other than the person who actually owes the money. This includes written correspondence, as well. Debt collectors are not allowed to send postcards or use language and symbols on an envelope that may indicate the sender of the contents is in the debt collection business.

If you're being harassed by an aggressive or abusive bill collector, with constant phone calls to your home, it's really very easy to get these calls to stop. You see, if you notify the debt collector in writing that all further communication is to be ceased, the debt collector is prohibited from contacting you unless it is to advise you that their collection efforts are being terminated, or to inform you that a specified remedy will be invoked.

If you're receiving calls at your place of employment, this communication can be stopped, as well. Once you inform the collection agency or debt collector that your employer doesn't allow such communication, the debt collector is prohibited, under the FDCPA, from any further calls to you at your place of employment.

Like most people, I'm sure you've heard horror stories relating to abusive behavior from ruthless debt collectors. Under no circumstances should you ever allow yourself to be intimidated or harassed by any such individuals. The use or threat of violence, obscene or profane language, and repeated continuing phone calls meant to annoy or harass are simply not tolerated under the FDCPA. Additionally, debt collectors may not use false, deceptive or misleading representation in connection with the collection of any debt. This includes the false representation or implication that the debt collector is an attorney and/or the threat to take any action that cannot legally be taken. It's not unusual to hear the term "wage garnishment" from debt collectors. The fact is, your wages (and/or bank accounts) simply cannot be garnished without a judgment in place. So, unless you've received notification of a lawsuit you can be relatively certain that no judgment exists, which means absolutely nobody can touch your earnings or savings.

In fairness to the "good" bill collectors, it's important to know that not all individuals employed in the collection industry are ruthless and lacking basic humanity. As a matter of fact, the majority of bill collectors I deal with are more interested in resolution and results than in non-productive harassment and arguments. If, however, you are on the receiving end of any type of unacceptable communication from a non-results-oriented bill collector, don't hesitate for one moment to report this person to the Federal Trade Commission and/or your Attorney General. And don't be afraid to inform the collection agency with whom you're dealing exactly what your intentions are. The FDCPA is intended to protect consumers from the abuse of bill collectors — if you need it, use it.

About The Author

Susan Megge is a consultant in the credit services industry. Over the past several years she has assisted many individuals in resolving their debt-related matters. For more information regarding credit and debt visit <http://www.donaldsonwilliams.com>.