

What do you do if you can't pay your bills while injured?

Accidents do happen, sometimes they occur on a jobsite, and you can make a claim for workers compensation. Sometimes, an injury can occur as a result of a slip and fall or car accident and an insurance company may eventually pay for your time away from work; Sometimes, you may even be hurt for so long that you can not work any longer and may have a right to open a social security disability claim. However, in all of these situations, the issue many injury victims face is that at least for a short time, if not for many years, you may be out of work, not earning a pay check and unable to pay your mortgage, credit card bills or even basic living expenses.

If you are hurt and can't pay your bills, what rights do you have? There are many rights consumers have. However, let's talk about the possible solutions to your debt problem. If you are being harassed by debt collectors and you do not wish them to call you any longer or send you harassing letters, all you need to do is inform them the next time they call that they can not contact you any more, pursuant to the fair debt collections practices act.

In addition there are specific state laws, such as those in Massachusetts (M.G.L. c 93 § 49) which make it unlawful to engage in certain debt collection practices that are considered unfair, deceptive or unreasonable. The following types of collection attempts would be considered unfair, deceptive or unreasonable:

1. A person trying to collect a debt informs you verbally or in writing they will communicate or discusses an alleged debt to someone else other than you, in order to persuade you to pay them.
2. A person trying to collect a debt communicates directly with you after notification from an attorney representing you that all further communications relative to the debt should be addressed to the lawyer.
3. A person trying to collect a debt communicates with you in such a manner as to harass or embarrass you, including, but not limited to communication at an unreasonable hour, with unreasonable frequency, by threats of violence, by use of offensive language, or by threats of any action which the creditor in the usual course of business does not in fact take.
4. The creditor communicates with alleged debtors through the use of forms or instruments that simulate the form and appearance of a court.

It is also deemed unlawful under Massachusetts law and a violation of the debt collection laws for a Creditor to threatening that nonpayment of a debt will result in:

1. You will be arrested if you do not pay the bill

2. Suggesting that they can garnish your wages or attach any property without informing you that a court hearing will be required first and a Judge will have to rule on the matter.
3. Using profane or obscene language in an attempt to intimidate you to pay a debt.

The bottom line is this, don't let debt collectors push you around, you have rights as a consumer, and debt collections companies may not want to admit it, but they know it too.

This article on consumer rights fair debt practices was written by Attorney Michael Goldstein, a consumer debt advocate and bankruptcy attorney, who can be found at <http://www.phillipslaweast.com/blog>.