

## How do You Know When a Debt Collector Breaks the Law and What Can You Do about It?

Jay S. Fleischman, Esq.

Debt collectors are subject to the law just like anyone else. The reports of debt collection abuse are again on the rise. If you are being harassed by a debt collector, you should familiarize yourself with what they are allowed to do within the scope of the federal <u>Fair Debt Collections Practices Act</u> (FDCPA).

A debt collector is allowed to contact you in person, by telephone, by mail or by telegram. They may not contact you at inconvenient times, such as early morning before 8 am or late night, after 9 pm. They can't call you at your place of business if you have notified them that your employer does not allow it. They also can't contact you if you have retained an attorney concerning that debt.

A debt collector is required to be polite and cannot use offensive wording or threats. They can't use the phone to constantly call and harass you about your debt. Nor can they imply that they will sue or garnish your wages if you don't pay up by a certain date.

If you are currently being harassed on the telephone by a debt collector, you can write them a letter and tell them to stop the phone calls. They are required by law to do so. If the harassment continues, keep a record of it and contact a reputable consumer advocate attorney. They will help you deal with the corrupt debt collector and advise you of your rights. You may be able to recover money from them, and force them to pay your attorney and court fees.

Copyright <u>Bankruptcy Law Network</u>, <u>LLC</u> and licensed under a Creative Commons Attribution-Noncommercial-No Derivative Works 3.0 United States License. Originally written by Jay S. Fleischman. Reproduced with permission.

If you owe the debt you certainly should pay it, but don't allow unscrupulous debt collectors to continue to harass and intimidate you.

Jay S. Fleischman is a <u>New York bankruptcy attorney</u> and Managing Partner of Shaev & Fleischman, LLP. Jay is also the author of <u>The Consumer's Guide To Bankruptcy: The Truth About Ending Your Bill Problems And Getting Back The Good Credit You Deserve</u>.

