

How do you stop a debt collector from harassing you?

If you have fallen behind on your payments due to an illness or a job layoff, debt collectors will be calling you. They have the right to collect on the money you owe, but some debt collectors cross the line.

There are some collectors that threaten to have you arrested, make improper bank withdrawals, intimidate people and make harassing phone calls. According to the National Consumer Law Center, a collector has even threatened to call a woman's work place until she lost her job. The Better Business Bureau reported that one debt collector called a consumer's grandmother four times a day using threats such as "if she dies, then her life insurance can pay this debt off."

The Fair Debt Collection Practices Act requires that debt collectors treat you fairly. If the debt is legitimate, then you have to pay it, but you still have rights.

- A debt collector cannot call you before 8 am or after 9 pm.
- You cannot be contacted at work if the collector knows your employer disapproves.
- Write a letter telling the debt collector to stop calling you.
- If you have an attorney, tell the debt collector to contact the attorney. If you don't have one, the debt collector can ask your friends and family about how to get in touch with you.
- A debt collector cannot use profane or threatening language
- A debt collector cannot misrepresent the amount of your debt, such as in the case of a consumer, who filed for bankruptcy in 1993. She was contacted in December of 1997, saying she had an unpaid credit card balance of \$5,655 from 1992. With interest, the letter claimed the debt had grown to \$19,400.
- Debt collectors can't say that they will put a lien on your property, unless they really mean to do so.
- Debt collectors cannot legally claim federal benefits, such as Social Security or your retirement accounts, like your IRA or 401(k) - unless the debt is owed to the federal government. In 1996, Congress passed the Debt Collection Improvement Act which allows the government to take a portion of federal retirement, federal salary and Social Security benefit checks to cover non-tax debts owed to the government, such as federal student loans.
- A debt collector may not use false statements, such as: falsely implying that they are attorneys, that you have committed a crime, or that they operate or work for a credit bureau or misrepresenting the amount of your debt, the involvement of an attorney in collecting a debt, or indicating that papers sent to you are legal forms when they are not.

Once you have been contacted by telephone, the debt collector must outline your debt, stating the amount, whom you owe the money to, and what action to take if you don't owe the money. If you don't owe the debt, you must write a letter stating you don't owe the money within 30 days.

If you decide to pay the debt, even if you don't owe it, just to get rid of the debt collector, it is an admission of guilt and it will have a negative impact on your credit score.

There is a statute of limitations on debt. Generally 3 to 15 years. Check with your state attorney general's office to find out the limit in your state (Florida State Attorney General's website: <http://myfloridalegal.com>). Do not accept new credit offers from a creditor you never repaid. Once your credit relationship is renewed, the statute of limitations starts over again.

If you have been treated unfairly, contact your state attorney general's office. You should file a complaint with the Federal Trade Commission 877-FTC-HELP or go to www.ftc.gov.

You have the right to sue a debt collector in state or federal court within a year of the date the law is violated. You may recover money for the damages you suffered plus an additional amount up to \$1,000. A group may also sue a collector and for damages up to \$500,000 or one percent of the collector's net worth, whichever is less.