

Know your rights when a debt collector calls

When a debt collector calls—or sends an e-mail or text message, or contacts you through social media—your best response is to confront the situation head-on.

Your first instinct may be to hide or ignore the situation and hope it goes away. But that can make things worse.

First, be sure the debt collector and the debt are legitimate

Find out:

- Who you're talking to (get the person's name)
- The name of the debt collection company
- The company's address and phone number

Ask the debt collector for:

- The amount owed
- The name of the person or organization the money is owed to
- How you can dispute the debt or verify the debt is yours

If the debt collector doesn't tell you this information the first time it contacts you, ask for the information in writing. It is a good idea to get this written notice before you agree to pay the debt collector or try to negotiate.

Harassment and deception are illegal

The Fair Debt Collection Practices Act says people collecting debts can't harass, oppress, abuse, or deceive you or anyone else they contact.

For example, debt collectors can't:

- Call you before 8 a.m. or after 9 p.m., in general
- Call you over and over
- Make repeated phone calls that are intended to annoy, abuse, or harass you or any person answering the phone
- Post messages on your social media accounts about your debt (private messages are allowed if the sender tells you they are a debt collector)
- Use obscene or profane language
- Make threats of violence or harm
- Lie about the amount you owe
- Deceive you to collect money, for example by falsely claiming to be law enforcement officers or saying you'll be arrested if you don't pay your debt
- Publish lists of people who refuse to pay their debts (this does not include reporting information to a credit reporting company)
- Talk to you without telling you they are a debt collector, or use a fake company name

Second, identify the debt

If you recognize the debt

You can contact the debt collector and try to work out a repayment plan that makes sense for you.

Even if a debt is yours, you still have the right not to talk to the debt collector and you can tell the debt collector to stop contacting you. However, telling a debt collector to stop contacting you does not stop the debt collector or lender from using other legal ways to collect the debt from you, if you owe it. For example, they can file a lawsuit against you or report negative information to a credit reporting company.

If the debt is several years old

Before making a payment or agreeing to a payment plan for a debt that is old, find out what the statute of limitations is for filing a lawsuit to collect the debt. Legal time limits can apply, and after the limit you might be able to argue that the creditor or debt collector is barred from starting a lawsuit against you. You may want to consult an attorney or the applicable law.

If you don't recognize the debt

Write and dispute all or part of the debt, which means you want the debt collector to send you verification of the debt, including how much you owe and proof that the debt is yours.

You can ask the debt collector to provide the name and address of the original lender, if the debt has been transferred to another company that is using a debt collector to contact you.

If you still dispute the debt

After you receive verification, you can write the debt collector to tell them the debt is still disputed. If you do not want to negotiate the debt, then

write the debt collector that you do not want to be contacted about it again. Keep in mind that the debt collector or lender can still use other legal ways to collect the debt.

Third, keep your letters and messages

Keep any letters or messages you receive, and make copies of any letters or messages you send, in case you need to dispute the issue later.

CFPB answers and sample letters

At consumerfinance.gov/consumer-tools/debt-collection you can find more information about your rights, sample letters you can use to respond to a debt collector, key terms, and answers to common questions.

Submit a complaint

Have an issue with a financial product or service? We'll forward your complaint to the company and work to get you a response—generally within 15 days.

 **Online**
consumerfinance.gov/complaint

 **By phone (180+ languages)**
M-F, 8 a.m. - 8 p.m. ET
(855) 411-CFPB (2372)
(855) 729-CFPB (2372) TTY/TDD

 **By mail**
P.O. Box 27170
Washington, DC 20038