



Region Legal Service Office, Mid Atlantic Legal Assistance Department

Fair Debt Collection Practices Act

1. The **Fair Debt Collection Practices Act** applies to third-party debt collectors (those who collect debt on behalf of the creditors) or to creditors who collect debt under another name. Debt collectors are prohibited by federal law from engaging in unfair, deceptive, harassing, and misleading debt collection activity. For example, a debt collector cannot threaten arrest or use obscene language.
2. **Debt collectors cannot contact neighbors, friends, family members, co-workers, or employers regarding a debt:** Debt collectors can only contact these people to get information about your location, and only if that information is unavailable from other sources. Keep a detailed log of any contact by the debt collector (date and time of call, name of person calling, etc.).
3. **Debt collectors cannot contact you before 8:00 a.m. or after 9:00 p.m.:** Keep a detailed log of any contact by the debt collector (date/time of call, name of person calling, etc.).
4. **If you want the communication to stop, send a “cease and desist” letter:** Tell the debt collector to stop contacting you. Send the letter by certified mail, return receipt, and keep a copy of the letter and the return receipt. Note that if the creditor itself, rather than a third-party debt collector, is contacting you, this letter will be ineffective. Also note that sending this letter does not relieve you of the obligation to pay the debts.
5. **If sued, seek legal representation:** If you do not seek legal representation, respond to the complaint in the time provided in the court papers.
6. **A debt collector is required to send a “validation notice”:** A validation notice is usually contained in the initial letter from the debt collector and states how much is owed on the account claimed due, the name of the current creditor, your right to request the name of the original creditor, and your right to dispute the debt and obtain verification. If you have not received such a letter, you may request one in writing from the debt collector.
7. **If you dispute the debt or any part of it (including the identity of the creditor):** Send a “dispute letter” by certified mail, return receipt, to the debt collector within 30 days of receipt of the validation notice.
8. **If you work out a payment with the debt collector, get it in writing before you pay:** Make sure all terms are included in the letter, including updated credit reporting and the removal of negative credit reporting by the debt collector.
9. **Report unlawful debt collection activity:** Report such activity to the Consumer Financial Protection Bureau (www.consumerfinance.gov), the Federal Trade Commission Military Sentinel (www.ftc.gov), and your local state Attorney General’s Office (www.naag.org).
10. **If the Fair Debt Collection Practices Act is violated:** You can sue a debt collector for engaging in unlawful collection conduct and may be entitled to damages, plus legal costs and fees. Legal Assistance and the Fleet and Family Support Centers are available to assist servicemembers in addressing debt collection issues.

This handout is for information purposes only and is not intended to be legal advice. If you need legal advice and assistance you may see legal advice from your Legal Assistance Office. Legal Assistance Offices can be located at <http://legalassistance.law.af.mil/content/locator.php>