

## Abusive Debt Collection Practices

"Good judgment comes from experience, and a lot of that comes from bad judgment."

-- American humorist Will Rogers, 1879-1935

Consumer debt is rising in Tennessee and throughout the U.S. – and abusive debt collection practices are also on the rise.

**Q. A debt collector calls my house several times a day. It's really getting me depressed! Is this legal?**

No. It is illegal for a debt collector to make repeated or continuous phone calls with the intent to annoy, abuse, or harass you into paying. If the collector calls and lets the phone ring – that is also illegal. The law protects "any person at the called number" – so it protects you, your family, and even your baby sitter. It is also illegal for debt collectors to call before 8:00 a.m. or after 9:00 p.m.

You can write a letter to the collection agency saying, "Do not call me any more about my debt." Send the letter by certified mail, return receipt requested. Be sure and keep a copy of the letter.

Legal Aid Society has a form letter you can use. Call our office or visit on-line at [www.las.org](http://www.las.org) and click on "self help booklets," then "Money Problems," then "Bill Collectors."

**Q. A collection agent called my relatives and a neighbor and told them I am behind on a debt. Is this legal?**

No! A bill collector is not allowed to discuss a debt with a third party, such as your employer, your relatives, your friends, or your neighbors, unless you or a court has given the collector express permission to do so.

Exception: A collection agent can call the parents of a minor who owes a debt.

**Q. A bill collector calls me at work. This is causing a problem. Can I stop these calls?**

Yes. A debt collector cannot legally contact you at work if the collector knows that the employer prohibits personal calls or that it is an inconvenient place for you to get a call. Tell the collector that you cannot take such calls at work.

There is an exception to this rule if the debt collector is calling solely for the purpose of locating you and the collector does not reveal the purpose of the call to the persons who answer.

**Q. A collection agent told me I will be arrested if I do not pay, and used "cuss" words on me. Is this legal?**

No way! It is strictly illegal for a debt collector to use obscene, profane, or abusive language. Also, there is no such thing as "debtor's prison" and it is illegal for a debt collector to use false, misleading, or deceptive statements of any kind.

**Q. What can I do if illegal collection practices have been used against me?**

If you can prove you have suffered financial, physical, or emotional harm from a debt collector's illegal collection activity, you may consider suing the collector.

Even if you have not been damaged by the illegal collection activity, the law says that you can sue the collector and the court can award you \$1,000 plus your attorney fees and court costs.

by Jim Hawkins, Managing Attorney,  
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**Note:** This community education column from the Legal Aid Society is not intended to take the place of legal advice. All cases are different and need individual attention. Consult with a private attorney of your choice to review the facts and law specific to your case.

The Legal Aid Society is a non-profit law firm, not a government agency, and all calls are strictly confidential. If you need more information on this or other common legal problems, please call 1-800-238-1443 or visit our Web site at [www.las.org](http://www.las.org). Many previous "Legal Notes" newspaper columns are available on the Web site.

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