

Know Your Rights: Debt Collection

Credit Reporting

- Check your credit report at least once a year and before applying for new credit. You can do so at annualcreditreport.com or by meeting with a financial counselor.
- If you think anything is wrong, report it to the credit bureau in writing and keep a record of your report. Credit reporting agencies are obligated to conduct a “reasonable” investigation.
- Credit reporting agencies that do not meet their required obligations under the Fair Credit Reporting Act may be required to pay damages for loss of credit and emotional distress, as well as attorney fees.

Repossession and Debt Collectors

- If someone comes to repossess your car, you have the right to say no. They cannot take your car without your consent and must obtain a court order.
- Debt collectors are not allowed to misrepresent what you owe, falsely claim that they are an attorney, threaten to have you arrested, or harass you. You can ask a debt collector to stop contacting you, but be mindful that they may still attempt to seek a judgment against you or garnish your wages.
- You have one year to challenge these types of rights violations - you must act quickly!
- Be careful when making payments on old debts - after a period of time, creditors can no longer sue you. However, if you make a small payment, the statute of limitations may start over. Seek legal advice before paying!

Unfair Business Practices

- The Indiana Deceptive Consumer Sales Act protects consumers from unfair business practices. However, the burden is on the consumer to prove a deceptive scheme by the supplier.
- Take pictures and make copies of all communications and documents when fighting against unfair business practices.
- Many businesses do not want the precedent of treating consumers unfairly and will settle, usually requiring some kind of confidentiality agreement.

Overwhelming Debt

- Prioritize the necessities: housing, utilities, food, and transportation.
- Be cautious of consolidation offers - this will bind you to pay the entire debt and can result in bankruptcy as the only option for relief.
- Federal student loans have income-based repayment: If you do not make enough to handle a monthly payment, your loans are forgiven after 25 years.
- Financial counselors can help you make a plan to manage your debt. Some non-profits offer free financial coaching.
- Bankruptcy is an option that may be helpful if you feel overwhelmed. Be sure to talk it over with a legal services professional or financial counselor.

Have your rights been violated? Turn over -->

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Where to Go

- **National Association of Consumer Attorneys:** Visit consumeradvocates.org
- **Indiana Legal Services:** Call 1-844-243-8570 or indianalegalservices.org to apply for assistance
- **Consumer Financial Protection Bureau:** <https://www.consumerfinance.gov/complaint/>
- **Indiana Attorney General:** <https://www.in.gov/attorneygeneral/consumer-protection-division/file-a-complaint/>

What to Have

- Copies of all bills and notices that you have received
- Copies of all communications with the company
- Call log of phone calls made to the company, with dates and summary of what was discussed, as well as any saved voicemails

What to Say

- What company your issue is with
- Details of the issue
- Steps you have taken to get the issue resolved
- The solution or resolution you are hoping for

