



Debt Collection

If you use credit cards, owe money on a loan or are paying off a home mortgage, you are a “debtor.” If you fall behind on your payments to these creditors, you may be contacted by a debt collector. You should know that the Federal Fair Debt Collection Practices Act, the Illinois Collection Agency Act and the Illinois Consumer Fraud and Deceptive Practices Act all provide protections guaranteeing that debt collectors treat you fairly. These laws do not, however, forgive any legitimate debt you owe. Personal, family and household debts are covered under the Federal Fair Debt Collection Act. This includes money owed for medical care, charge accounts or car purchases.

Debt Collectors

A debt collector is any person other than the creditor who regularly collects or attempts to collect debts that are owed to others and that resulted from consumer transactions. This includes attorneys who collect debts on a regular basis. A collector can contact you in person, by mail, telephone, telegram or email. *However*, a collector may not contact you at unreasonable times or places, such as before 8 a.m. or after 9 p.m., unless you agree. A debt collector also may not contact you at work if the collector knows that your employer disapproves. A debt collector may contact people other than you or your attorney to find out where you live or work, but may not tell anyone other than you or your attorney that you owe money. Once a debt collector has notified you by phone, he or she must, within five days, send you a written notice revealing the amount you owe, the name of the creditor and what to do if you dispute the debt.

A debt collector may NOT:

- harass, oppress or abuse anyone (e.g., use threats, obscene or profane language, etc.);
- make false statements when collecting a debt (includes implying that you have committed a crime or saying you will be arrested or criminally prosecuted if the debt isn’t paid); or
- engage in unfair practices such as forcing you to accept collect calls or pay for telegrams or collect interest or fees in excess of the debt, unless authorized by the agreement creating the debt.

You can stop a debt collector from contacting you by writing a letter to the collection agency telling him or her to stop. Once the agency receives your letter, it may not contact you again except to notify you that some specific action will be taken.

Disputing a Debt

A debt collector may not contact you if, within 30 days after the collector’s first contact, you send the collector a letter stating that you do not owe the money. If, however, the collector sends you proof of the debt, such as a copy of the bill, the collector can resume collection activities.

More Notes on Debt Collection

If you owe several debts, any payment you make must be applied to the debt you choose. A debt collector may not apply a payment to any debt you believe you do not owe. You have the right to sue a debt collector in a state or federal court within one year from the date you believe the law was violated.

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