

# Debt Collection

Last updated on February 13, 2025.

What is The Fair Debt Collection Practices Act (FDCPA)?

The Fair Debt Collection Practices Act (FDCPA) is a federal law that manages professional debt collectors. These are not the creditors themselves (Ex: VISA, MasterCard, etc.), but collectors who represent and work for the creditors (Ex: State Collections, Americollect, etc.).

**Be Careful!** Scammers are known to use fake debt collecting tactics. Make sure the collection agency or collector is legitimate by verifying the information listed on [this government site](#).

What are my rights under the FDCPA?

## **Under the FDCPA it is illegal for debt collectors to:**

- Call before 8:00 a.m. or after 9:00 p.m.
- Contact anyone more than once to locate you.
- Mention anything about your debt to your employer, co-workers, or family.
- Use obscene or abusive language.
- Threaten violence to you, your property, or your reputation.
- Annoy, abuse or harass you with repeated phone calls or allowing your telephone to ring continually.
- Advertise a debt for sale to try to force you to make a payment.
- Call you without properly identifying themselves (unless their call is in an attempt to locate you).
- Contact you at work if they know or have reason to know that your employer does not permit employees to be contacted by collectors at work.

**Note:** you can tell the debt collector what times and places are convenient for you to receive their collection calls.

- Contact you directly if you told them **in writing** that they can't contact you again about the debt.
  - This one's important. If getting calls from creditors or debt collectors is causing you stress, write a letter like this example (see Action you can take, below) and send it to the creditor(s) and debt collector(s). Once they have received that letter, it is illegal for them to contact you! This does not mean, however, that you do not still owe the debt or that they cannot still sue you. It does mean that if they continue to contact you after they've gotten the letter, you should keep a written list noting the date and details of every contact, because you might have a case against them for violating the FDCPA.
- Contact you directly if they know you have a lawyer.
- Misrepresent the amount of debt.
- Falsely suggest that the collector is a lawyer.
- Send you a letter that pretends to be from the government, the court, or a lawyer.
- Threaten legal action that the collector does not intend to take or that is not available.
- Threaten to arrest you or imply that they may arrest you for not paying any of your debt.
- Charge extra money like interest, fees, or expenses on top of the original amount owed unless it was agreed upon in the original debt agreement or is allowed by law.
- Accept a check postdated more than five days of the intended date to deposit the check. **Do not postdate checks.**
- Make you accept collect calls.
- Use a postcard to contact you about a debt.

**Within five days of your first contact, a debt collector must send you a written notice stating:**

1. The name of the creditor to whom you owe the money
2. The amount you owe.

3. That the debt collector will believe the debt is real unless you dispute it within thirty days.
4. That if you ask for it, the debt collector will tell you the name and address of the original creditor, if different from the current creditor.

### Action You Can Take

1. You can write a letter to the debt collector saying "Don't contact me about this debt anymore." Include the debt name and account number, date, and your signature. Keep a copy for yourself. Get help with our [no-contact letter template](#).

**Note:** Once this letter is sent, the debt collector can only contact you to tell you what legal action they plan to take. **Sending this letter DOES NOT give you the right to ignore court papers.**

2. If you have no knowledge of the debt referenced by a debt collector or would like to challenge all or part of the debt, send a validation letter **within 30 days** of receiving written notice of the debt. If you send it later than 30 days after receiving the written notice, the debt collector will not be required to investigate the debt or respond to your letter.
  - a. The validation letter should include your name, the amount of debt claimed to be owed, and why it is not correct. (Ex: Is it the wrong amount? Is it addressed to the wrong person?)
  - b. [Click here to view a template of this type of letter.](#)

How do I claim a violation of the FDCPA?

If a debt collector violates any of the rules above, record the date, time, name of the caller, and what was said.

To file a complaint of a violation under the FDCPA, contact one of the following:

1. Wisconsin Department of Financial Institutions  
1-800-452-3328 or

(608) 264-7969

2. [Consumer Financial Protection Bureau](#)  
1-855-411-2372

### Contact an attorney

Use our [Get Help Tool](#) to find free or low-cost sources of legal help in your area, contact the Wisconsin Lawyer Referral and Information Service at (800) 362-9082, or use the [National Association of Consumer Advocates website](#) to find a consumer attorney near you.

Note that if a debt collector is found to have violated the FDCPA, the law requires them to pay your attorney fees!

**Important:** To sue a debt collector, **you must start the lawsuit within 1 year of the violation.**

[Debt Collection](#) [Debts/Loans](#) [Money, Debt & Consumer Issues](#)

Files

[TEMPLATE: Letter to Creditors - Stop Contacting Me](#)

[TEMPLATE: Letter to Debt Collectors - Provide Proof of My Debt](#)

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