

**COLLECTION AGENCIES AND
YOUR RIGHTS: SENDING A “CEASE
COMMUNICATION” LETTER**

Self-Help Packet

Collection Agencies and Your Rights: Sending a “Cease Communication” Letter

Federal law requires collection agencies to stop their collection efforts after they receive a written request to stop. The federal law does not apply to creditors collecting their own debts, but even these creditors will often honor such requests. Some state laws also cover creditors collecting their own debts.

You do not have to give any special explanation why the collector should stop contacts. Nevertheless, it is generally a good idea to explain why you cannot pay and your hopes for the future. The letter might also describe any abusive tactics the collector used and any distress this has caused you. It is very important to keep a copy of the written request and to send it by certified mail (return receipt requested). This will give you proof that the collector received your letter.

The next page includes an example of a “cease communication” letter.

Sample "Cease Communication" Letter

Sam Consumer
10 Cherry Lane
Flint, MI 10886

December 10, 2008

NBC Collection Agency
1 Main Street
Flint, MI 10887

Dear Sir or Madam:

I am writing to request that you stop contacting me about an account number _____ with [name of creditor] as required by the Fair Debt Collection Practices Act 15 U.S.C. section 1692c(c). (Note: Delete reference to the Act where the letter is to a creditor instead of to a collection agency. Some, but not all, state laws prohibit further contact by creditors).

[Document any harassing contact by the collection agency. In some cases, provide information about why you can't pay the bill, or if appropriate, do not owe the money].

This letter is not meant in any way to be an acknowledgment that I owe this money. I will take care of this matter when I can. Your cooperation will be appreciated.

Very truly yours,

Sam Consumer

Even though it is against the federal law, not all debt collectors will stop contacting you after they receive your letter. You should try not to let them get away with this. If necessary, send another letter and once again keep a copy. Let them know that you are aware that they are violating the federal law by continuing to contact you. You should also keep a careful record of any letters and phone calls you receive after sending the letter. This record may help you if you later decide to sue the debt collector.

You should also consider other options if the debt collector ignores your letter. In particular, you might think about contacting a lawyer to send a letter on your behalf, complaining to a government agency about the collector's conduct, or suing the debt collector.

You do not need a lawyer to send a cease letter. When your main goal is to get the bill collectors off your back, you can send a simple cease letter without the cost of legal assistance. However, if a cease communication letter does not stop collection calls, a letter from a lawyer usually will. In addition, the lawyer may be able to raise legal claims on your behalf for violations of the federal law that prohibits debt collection harassment.

Federal law requires collection agencies to stop contacting a consumer known to be represented by a lawyer, as long as the lawyer responds to the collection agency's inquiries. Even though this requirement does not apply to creditors collecting their own debts, these creditors also will usually honor requests from a lawyer. A lawyer working for a creditor or collection agency also is generally bound by legal ethics not to contact debtors represented by a lawyer.

More information about your debt collection rights is available on the Student Loan Borrower Assistance web site (www.studentloanborrowerassistance.org).