

While Federal agencies are not subject to the Fair Debt Collection Practices Act (FDCPA), the FDCPA provides valuable guidance on appropriate practices in communicating with debtors and can be used as a source in developing an agency's guidelines. Most of the items on the following page are based on the practices and prohibitions described in the FDCPA. Additional information about the FDCPA may be found at <https://www.ftc.gov>.

**Disclaimer:** On the following page is a list of suggested debt collection practices. Each agency should develop its own practices based on the type of debts being collected and applicable laws. Nothing in this list creates any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

## Sample List of Appropriate Debt Collection Practices

### Do's & Don'ts of Debt Collection

<i>✓ DO ...</i>	<i>✗ DO NOT ...</i>
<i>✓ contact a debtor in person, by mail, telephone, telegram, or fax in accordance with your agency's debt collection practices. It is acceptable to use e-mail in limited circumstances with the debtor's consent. Consult with agency legal counsel on the appropriate use of e-mail and fax.</i>	<i>✗ contact the debtor at any unusual time or place, or a time or place that you should know is inconvenient to the debtor. Generally, 8:00 a.m. to 9:00 p.m. (debtor's time) is deemed to be convenient. Know your time zones!</i>
<i>✓ clearly identify who you are and that you are attempting to collect a debt when contacting a debtor. Use of "desk names" is acceptable under certain conditions. Check with agency legal counsel before using desk names.</i>	<i>✗ contact the debtor directly if you know the debtor is represented by an attorney. If the attorney fails to respond to your communication, consult with agency legal counsel on how to proceed.</i>
<i>✓ keep an objective written record of all communications with a debtor. Be aware that your written record (notes, e-mails, etc.) may be provided to the debtor upon request or may be subject to discovery in litigation.</i>	<i>✗ contact the debtor at his or her place of employment if you think that the debtor's employer does not allow such calls.</i>
<i>✓ be professional, courteous, firm and direct in all communications. Talk straight. Avoid getting angry or emotionally involved. Be aware that some debtors may record your conversation.</i>	<i>✗ threaten or use violence or other criminal means to harm the debtor or his or her property. Do not use obscene or profane language.</i>
<i>✓ listen carefully to the debtor.</i>	<i>✗ continue to contact the debtor after the debtor has requested that you stop further communication or the debtor has stated in writing that he or she refuses to pay the debt. You may, however, tell the debtor there will be no further contact or notify the debtor about specific collection actions to be taken.</i>
<i>✓ follow up telephone conversations with a written communication, if possible.</i>	<i>✗ discuss the debtor's matter with anyone other than the debtor unless otherwise authorized by the debtor in writing. When leaving a message or talking to an answering machine, leave your name and number only.</i>
<i>✓ respond promptly to a debtor's inquiries.</i>	<i>✗ continuously contact the debtor, ring the telephone for harassment, or threaten action that cannot be legally taken or is not intended to be taken.</i>
<i>✓ direct debtors to mail checks to a Treasury-approved lockbox. Debtors should be encouraged to use electronic funds transfer mechanisms, such as pre-authorized debit.</i>	<i>✗ accept a check that is postdated more than 5 days or threaten to deposit a postdated check early.</i>