

AUGUST 2009 FRAUD ALERT!

Paying the Debts of a Deceased Relative: Who Is Responsible?

After a relative dies, the last thing a grieving family expects are calls from debt collectors (i.e. collection agencies, lawyers who collect debts and companies that buy delinquent debts) asking them to pay their loved one's outstanding debts. According to the Federal Trade Commission surviving relatives usually has no legal obligation to pay the debts of a deceased family member. The rights of surviving relatives are covered by the Fair Debt Collection Practices Act (FDCPA), which prohibits debt collectors from using abusive, unfair, or deceptive practices to collect from you.

Please be aware that con artists may check obituaries and other legal notices, and then contact relatives of a deceased posing as debt collectors. These scam artists can use your personal information to help them commit identity theft or other types of fraud. As always, do not give any of your personal information, such as your Social Security number, birth date, or financial account numbers to anyone unless you know whom you are dealing with.

Here are some frequently asked questions about the responsibility for a deceased relative's debts.

- **Who is responsible for paying the debts of a relative who has died?**
Generally, someone's estate is responsible for paying their debts. However, if there is not enough in the estate to cover the debts, they typically go unpaid.
- **Am I legally obligated to pay the debts of a deceased relative?**
You usually do not have a legal obligation to pay the debts of a deceased relative who was not your spouse. Even a spouse's obligation to pay may be limited under state probate law. To determine whether you are legally obligated to pay, talk to an attorney who is knowledgeable about this area of the law.
- **What should I do if a debt collector contacts me about a debt of a relative who has died?**
Give the debt collector the contact information of the decedent's personal representative, which is the person responsible for settling their affairs, including paying any outstanding debts from the estate. If there is a will, the representative is the executor; if there is no will, the representative is the administrator.
- **Do I have to speak with a debt collector who contacts me about the debts of a deceased relative?**
No, but if you are a decedent's personal representative or legally obligated to pay the debt, you may want to talk with the debt collector to see if you can resolve the matter.
- **Can I stop a debt collector from contacting me about the debts of a deceased relative?**
Yes. If you decide that you do not want a debt collector to contact you again, write a letter to the collector saying so. Then, make a copy of your letter, send the original by certified mail, and pay for a "return receipt" so you will be able to document what the collector received and when. Once the collector receives your letter, they may not contact you again, with two exceptions:
 - To tell you there will be no further contact, and
 - To let you know that the creditor plans to take a specific action, like filing a lawsuit.
- **Can debt collectors tell anyone else about my dead relative's debt?**
Other than to get the personal representative's location, a debt collector generally is not allowed to disclose your the debt to anyone other than the deceased's spouse, parent (if deceased is a minor), or guardian.

For Complaints and More Information: Report any problems you have with a debt collector to your state Attorney General's office (www.naag.org) and the Federal Trade Commission (www.ftc.gov) or toll-free at 1-877-FTC-HELP (1-877-382-4357). The Attorney General's office can determine rights under each state's law.

BUCKS COUNTY CRIMES AGAINST OLDER ADULTS TASK FORCE

Bucks County District Attorney's Office
215-348-6344
Bucks County Area Agency on Aging
215-348-0510
Bucks County Coroner's Office
215-348-3852
Network of Victim Assistance (NOVA)
1-800-675-6900

A Woman's Place (AWP)
1-800-220-8116
Bucks County Office of Consumer Protection
215-348-6060
Bucks County Register of Wills
215-348-6265
US Dept. of Health and Human Services
Investigations, Office of the Inspector General

www.crimesagainstolderadultsbucks.org

24 - HOUR HOTLINE 1-800-490-8505