

What Now?

MINI-MIRANDA



Complimentary
Preview

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Introduction: The Mini-Miranda

Within the first day of your training as a debt collector, you should have seen something like this:

“This is an attempt to collect a debt. Any information will be used for that purpose. If you dispute the validity of this debt you have 30 days to notify us of such.”

That’s a “Miranda” disclosure – a phrase, delivered at the top of the communication with a consumer – even if it is the consumer who is making the contact – which informs the consumer of his or her rights.

There are maxi-Miranda disclosures – “This communication is from a debt collector and any information obtained will be used for that purpose.”

And there are mini-Miranda disclosures – “This communication is from a debt collector.”

Every time a consumer is contacted by a debt collector, and every time a debt collector communicates in writing with a consumer, a Miranda disclosure must be an explicit part of that communication.

The Miranda Disclosure is usually the first thing a collector learns, with frequent, constant reminders throughout his or her career at a collection agency. It is required by the FDCPA, per Section 807(11):

§ 807. False or misleading representations

(11) The failure to disclose in the initial written communication with the consumer and, in addition, if the initial communication with the consumer is oral, in that initial oral communication, that the debt collector is attempting to collect a debt and that any information obtained will be used for that purpose, and the failure to disclose in subsequent communications that the communication is from a debt collector, except that this paragraph shall not apply to a formal pleading made in connection with a legal action.