

FAQ

Can I go to jail for not making payments?

No, you cannot go to jail for not making payments on a consumer debt even if they have a judgment against you.

I have been sued on a debt – should I go to Court?

Yes, you should go to court. If you or an attorney make the right arguments there is a possibility that your case will be dismissed.

How can I get the case dismissed?

You can sometimes get the case dismissed because you raise defenses to the collection of the debt. For example, if the company;

- 1) Can't prove the details of the charges or payments on your debt or;
- 2) Doesn't have other evidence needed to prove the case.

Can I sue the company?

Yes. For example, if the company;

- 1) Was unfair or deceptive in how it treated you;
- 2) Behaved badly toward you;
- 3) Lied to you or threatened you;

You may have counterclaims and could sue them back. This is called a counterclaim.

Can I go to jail for not paying a judgment?

No, you cannot go to jail for not paying a judgment. A judgment means the company can try to collect from you, it does not mean you have to pay them if you are unable to. (See South Carolina Legal Services' brochure: "Being Judgment Proof").

Can they garnish my wages?

No, in South Carolina wages cannot be garnished to satisfy a judgment in a consumer debt case.

Should I make a settlement?

This depends on your financial situation and the behavior of the company. Usually it is not in your best interest to agree to make payments as a settlement if you were already unable to make payments on the debt.

How to Get Help for Court

Apply for an Attorney

You can apply for a free attorney from South Carolina Legal Services to help you. There is no guarantee of acceptance of your case.

Call our intake line to apply:

1 (888) 346-5592

Or apply online at:

www.lawhelp.org/sc/online-intake

Come to one of our Clinics

We offer free information at our clinics and an opportunity to apply in person for our services.

Check our website or email us to find out when and where our next clinic will be held in your area.

ruralclinics@sclegal.org

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**South Carolina
Legal Services**

Balancing the Scales of Justice

Debt Collection: Summons and Complaint



Our Mission

South Carolina Legal Services is a statewide law firm that provides civil legal services to protect the rights and represent the interests of low-income South Carolinians.

For Free Services

1 (888) 346-5592

contactus@sclegal.org

www.sclegal.org / www.lawhelp.org/sc

www.probono.net/sc

www.lawhelp.org/sc/online-intake



**Multiple phone calls per day?
Calling your family and friends?
Showing up at your house?
Threatening you with jail?**



You can...

Send a Cease and Desist letter through certified mail stating your name, the name of the company and that you request they stop contacting you about your debt. The company must stop harassing you, but just because they stop harassing you does not mean that you no longer owe them the debt.

If they continue to contact you after you send the letter you can file a complaint with the South Carolina Department of Consumer Affairs. Be sure to keep track of when the company contacts you and what they say. This information could be important if you are sued for the debt.

South Carolina Department of Consumer Affairs
www.consumer.sc.gov

Have you received legal papers?

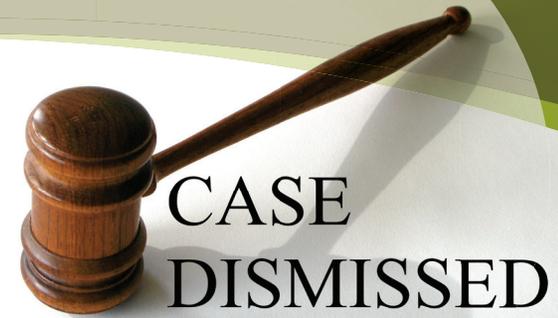
If you received a Summons and Complaint it is important that you file an Answer within 30 days of being served. You must also mail a copy to the Plaintiff or their lawyer (if they have one) before you file the answer with the court. You should add a written statement that you mailed the answer to the Plaintiff when you file the answer with the court. If you received an Affidavit and Complaint for a Claim and Delivery lawsuit please see our Claim and Delivery brochure. If you do not file an Answer in time, the court will assume that everything the company has stated in the Complaint is true and the court will enter a judgment against you.

How much time do you have to file an Answer?

You have 30 days to file an Answer and include any claims you have against the Plaintiff.

I need help filing my Answer.

The court may have provided you with written instructions and a fill in the blank form for responding to the lawsuit. If you are having trouble understanding the Answer, consider calling our intake line to see if you qualify for free assistance from an attorney. The court is not allowed to help you with this and could give you the wrong answer by mistake.



Sometimes your case can be dismissed.

Get the results you want

If the company violated South Carolina law by threatening you with jail, wage garnishment, or taking your property you may have defenses and counterclaims. There are also strict rules on what the company needs to prove in court to get a judgment against you. If you go to court and are prepared with strong defenses there is a chance the case will be dismissed in your favor.

Our Services

You may qualify for free representation from South Carolina Legal Services to help defend you in your debt collection case. Even if we can't represent you, we may be able to give you advice and answer your questions so you can represent yourself in court.

Call our intake line to apply:
1 (888) 346-5592

Or apply online at:
www.lawhelp.org/sc/online-intake