

Finding Peace

Help Eliminate Legal Problems for Seniors and Disabled

A NONPROFIT LAW FIRM



“BRINGING PEACE TO YOUR LIFE”

HELPS represents lower-income seniors and disabled persons who owe debt they can't afford to pay in order to stop collector harassment, and educates them on maintaining their financial independence.

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A Solution to RV Worries

SOMETIMES, SENIORS FIND that changes in their circumstances make it impractical or unaffordable for them to keep an RV. The monthly payments can be expensive, and RV loans typically last for at least 10-15 years, sometimes longer. Seniors can try to sell their RV, but what can they do if no one wants to buy it? Fortunately, they have a solution: they can simply surrender it.



The process of surrendering an RV is relatively straightforward. First, stop making payments. If the payment is being taken automatically from your checking account, contact your lender and ask them to stop the automatic deduction. And if you are no longer going to drive the RV, you can stop the insurance.

Next, wait for the RV to be repossessed. You don't have to transport your RV anywhere for it to be repossessed; it is the lender's responsibility to pick it up. They might call to let you know they are coming to get it, or they might simply show up. Just be sure to remove all your possessions when you stop making payments. Sometimes lenders repossess quickly, but other times they might take months to pick up your RV, especially if it isn't worth much.

After the lender repossesses your RV, they will sell it — most likely for much less than you still owe. Then, they will send you a “deficiency” notice for the balance. The good news is that seniors do not have to pay a deficiency they can't afford. Federal law protects Social Security, pensions, disability, and VA benefits. This money can't be garnished or taken, even if a creditor files a lawsuit and obtains a judgment. Because retirement income is protected, seniors who can no longer afford an RV can surrender it, knowing that their income is safe from collections.

Please feel free to share this with others after you are finished with it by leaving it at your senior center or doctor's office waiting room.

A Way Out of Automatic Payments

FEDERAL LAW allows you to stop automatic payments to creditors. Here are your options:

1. Cancel with the company taking money from your account.

Telephone the credit card company or lender and tell them you want to stop the payment. You don't have to give a reason; legally, creditors must stop an automatic payment when you tell them.

2. Instruct your bank or credit union to cancel the automatic payment.

Telephone your bank or credit union and tell them you want to stop the automatic payment. Usually there is a fee, though sometimes banks will waive it. Try to notify them at least three days before the payment is due, and follow up in writing unless you are assured it isn't necessary.

Difficulties You Might Encounter

Payments to payday lenders

Payday lenders and high-interest lenders are difficult to deal with. They may try to intimidate you if you call to cancel an automatic payment authorization, and they often simply refuse to cancel. Therefore, it's best to cancel the authorization directly with your bank or credit union.

Payments to your bank or credit union

Even if the autopay is for a card issued by your bank or credit union, they must stop the payment if you request it. However, if your original card agreement included the "right of set-off," they could take money from your account to pay the debt — which happens far more often with credit unions. Therefore, if you owe your credit union money you can't pay, you should change to a different credit union or bank.

Payments that won't stop in time

If the payment is due in less than three days and you can't get the automatic payment stopped, you can empty your account, although you might be charged a fee for insufficient funds to make the payment. Instead of risking that, you can simply close the account before the payment date and open a different bank account — even with the same bank or credit union.

Payments on debit cards

Canceling an automatic debit card payment follows the same process. The number on your debit card is different than your checking account. If you gave a creditor authorization **only** to run your debit card, you can always cancel the debit card and get a new debit card with a new number.

Conclusion

We are happy to help our clients stop unwanted automatic payments. If you are intimidated or just want extra help, HELPS can do a joint call with you and your bank.





Change a Life by Sharing HELPS

MANY OF OUR CLIENTS heard about us from friends or relatives (sometimes even acquaintances) who knew they needed help. Because so many people are faced with financial struggles, especially those on fixed incomes, we hope you share your experience with HELPS with someone who could use the same peace of mind. Here are a few recent stories.

An attorney emailed HELPS: “I met with an 84-year-old man today. His only income was from Social Security and a small pension. He didn’t need bankruptcy. I took out my phone, got on the internet, got on your website, and showed him the two and a half minute video on your home page where seniors explain HELPS. At the end he just put his head down and started crying. I am sending you his contact information so you can call him.”

A new HELPS member explained how she found us: “My accountant friend was trying to help me. She found your website and told me to call you. I have been crying myself to sleep for the last year, worried, not knowing what to do. Then I talked with you. I finally had a good night’s sleep, realizing I don’t have to worry.”

A new HELPS client told us: “I told my sister about my financial hardship, and she said when she was in debt and didn’t know where to turn, she found HELPS. She shared a card from HELPS so I could give you a call. It sounds too good to be true!”

A paralegal at HELPS related a recent collector call: “After I had confirmed representation of the client, the collector told me that *she* actually recommends HELPS all the time to people she calls. She said, ‘Just because I work in debt collection doesn’t mean I don’t understand that some people simply can’t pay, and if they’re older and on Social Security, they don’t need to pay! They need you!’”

A new HELPS member told how she found us — again: “I have medical bills and back problems, and I couldn’t pay for my credit cards anymore. I was so worried about timeshare payments I’d been charging to my card, and I didn’t know what to do. When I was over at my sister’s house, I saw your flyer and remembered that a couple of years ago, I had found her a law firm to help with her financial problems. I’d forgotten all about you until I saw the flyer! So now I’m calling for help!”



KEEP UP WITH HELPS ON OUR FACEBOOK PAGE!

- Enjoy regular posts from HELPS director Eric Olsen
- Share HELPS with your friends
- Find us at www.facebook.com/helpsishere



The Afterlife of Debt

MANY CLIENTS WORRY about what happens to their credit card debt or medical bills after they pass away. Here are answers to common questions.

Will my children have to pay my credit card debt or payday loans?

Fortunately, children do not “inherit” a parent’s debt from credit cards or old payday loans. Your children will not have to pay your debt.

Will my spouse have to pay my credit card debt?

If you and your spouse have a joint account, or one of you is a co-signer on the account, then the surviving spouse is responsible for the debt. However, if only your name is on the account, then your spouse is not responsible; the debt dies with you.

But what if I live in a community property state?

Some states are considered “community property” states – Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Texas, Washington, and Wisconsin. In community property states, married couples are presumed to owe debt jointly, even if the debt is in only one spouse’s name. So because debts incurred by either spouse during the marriage are owed by both spouses, the surviving spouse still owes the debt.

However, the good news is that, as a practical matter, credit card companies do not attempt to collect from a spouse who is not listed on an account, even in a community property state. Debt settlement companies routinely give false or deceptive information to seniors to make them think they might be pursued for a debt, when in fact that will not happen. And, of course, debt collectors will often say about anything to intimidate someone into thinking they have to pay another person’s debt.

Will my spouse have to pay my medical bills?

Most states have laws providing that a spouse is responsible for the medical bills of the other spouse. The exception is a newly married spouse, who is never responsible for medical debt or any other debt the other spouse incurred before they were married.

What about my children? Will they have to pay my medical bills?

A few states have laws that *could* be interpreted to make adult children responsible for a parent’s medical debts in certain situations, but, as a practical matter, these laws are never enforced. A medical debt collector might try to intimidate an adult child into thinking they have to pay, but remember that there are collectors who will say anything to get payment.

For more information, please call HELPS at **855-435-7787**.



Are You a Veteran?

Or the Spouse of a Deceased Veteran?



AID AND ATTENDANCE is a pension benefit available through the VA to many veterans over 65 and their surviving spouses who are still single. This tax-free benefit is offered to honorably discharged veterans who served on active duty during a time of conflict such as WWII, Korea, Vietnam, or the Gulf War. Veterans younger than 65 who are totally disabled are also eligible.

Many veterans and surviving spouses who qualify for Aid and Attendance have not applied and are not receiving the benefit. Individuals can apply themselves at a regional VA office or through the Veterans Administration website, but it can be a complicated process. If you have questions, you can call HELPS at 855-435-7787.

We often refer persons whom we believe would qualify to National Veteran Support. They are a 501(c) charity that assists people nationwide applying for this benefit. They will provide volunteer VA-accredited claims agents to help you prepare your claim. You can call them at **818-237-5385** or visit their website vetsupportusa.com.



What is HELPS?



***Are you being harassed by collectors for debts you cannot pay?
Is your income Social Security benefits, retirement, veteran benefits, or disability?
Did you realize that this income is protected by federal law?***

Under federal law, when you are represented by an attorney, collectors may no longer contact you by phone or mail. When you enroll with HELPS Nonprofit Law Firm, we send letters to your debt collectors advising them that we represent you for the purpose of communication. The calls stop! Peace returns to your life. Visit our website www.helpsishere.org and listen to our actual clients explain how HELPS changed their lives.

HELPS does not negotiate with creditors, nor do we represent clients in court. HELPS provides an affordable alternative to bankruptcy.

If you have questions or want to enroll, **call us toll free at 855-435-7787**. We are always available to answer questions. This very day you could have an attorney to represent you to your creditors!

Recent Notes from Clients

"I appreciate your help very much! I was so nervous and worried about my situation. You really helped ease my mind. The information you sent me eases my panic when I start dwelling on my situation. And knowing that you are there for me is such a blessing. Please extend my gratitude to everyone at HELPS. Thank you!!!" - *Katie H.*

"Thank you so much for the response to my query. I am always getting peace of mind whenever I have questions for you and you respond. Thank you once again, very much!"
- *Susan L.*

"My husband and I are extremely grateful for your help. Our lives have been changed dramatically and we're experiencing much peace and relief from the creditors. So, thank you, again!"
- *C. Lewis*

"Helps has been my law firm for 4 years and I am so grateful to have found this wonderful non-profit firm. Four years ago I had a job with an income. Not enough to save for my retirement, but enough to live on. Since I retired, not of my own choosing, HELPS has totally lifted the weight of bill collections off my shoulders. Until the beginning of my relationship with HELPS, I didn't know that a person living on Social Security cannot be forced to pay old bills. But that doesn't mean calls from bill collectors stop. For example, I had never heard from a former landlord whose lease I had to break in 2018. Perhaps because landlords are hurting now during the Covid-19 recession, the bill collector was suddenly hounding me on the phone. One of the wonderful staff members at Helps immediately relieved me of that. Thanks to the entire staff at HELPS!" - *J.*



HELPS and YouTube

Did you know HELPS has its own YouTube channel? To find it, look up [HELPS Nonprofit Law Firm YouTube](#) on any web browser. You can subscribe by clicking on the red "Subscribe" box to receive updates on any new videos. Below are some recently added videos.

-  [Debt Management — What to Know](#)
-  [The Process of Being Served with a Lawsuit](#)
-  [RV Informational Video](#)



You Asked... We Answered

from Executive Director Eric Olsen

QUESTION: I received a lawsuit with a date to appear in court. Do I have to go to court?

ANSWER: No, you don't. Although the paperwork includes the date for a court appearance on it, you would appear in court ONLY if you decide to contest the lawsuit. If so, you would need to pay a fee and file a response that explains why you don't owe the money. If you do owe it, there is nothing for you to contest. The company suing will get a "default judgment." However, judgments against seniors are almost always meaningless because federal law protects their retirement income from collections. That means a creditor can't take your Social Security, disability income, or VA benefits. Additionally, any bank account into which federal benefits are electronically deposited is protected as well. When HELPS clients are sued, we send a letter to the plaintiff's attorney letting them know that our client is living on protected income. Our clients don't have to go to court – and they can rest easy knowing their income is safe.

QUESTION: My Medicare Part B doesn't cover all my medications. Where can I get help?

ANSWER: Try the discount pharmacy program, GoodRX. It is a website and phone app that allows you to check the cost of medications at different pharmacies in your area so you can "pharmacy shop" and go where your prescription is cheapest. It will also help you determine which is more cost effective – your insurance or GoodRX.

It's easy to use. Search for "GoodRX.com" on your web browser. Then enter the prescription you need. The website will direct you to a page displaying the medication, where you will select the form and milligrams. Then you'll see a list of pharmacies and prices. You can click on "get coupon" to get a printable coupon, or you could download the GoodRX app to your phone and show it to the pharmacy. If you wish, you can also request a card to be sent to your home.

GoodRX is free, but it also offers a "Savings Club" that charges \$5.99/month for an individual and \$9.99/month for a family.

You don't need to be part of the Savings Club to access the coupons, but the price of medication may be lower for Savings Club members. The website will let you see both options to help you decide.

Please call **HELPS at 855-435-7787** with questions.

**HELP ELIMINATE LEGAL PROBLEMS
FOR SENIORS AND DISABLED**

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HELPS is a 501(c)(3) Charitable
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