



IMPROVING ACCESS TO JUSTICE IN CONSUMER DEBT LAWSUITS

A Study to Test a Proposed Letter Packet
From the Court as a Tool to Improve
Defendant Knowledge of and Engagement
in the Legal Process

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Debt Collection Report Authors and Acknowledgements

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Executive Summary

Consumer debt claim cases have been on the rise in Texas in recent years. In justice court, where the majority of consumer debt cases are filed, there was an 87% jump in new case filings from 2017 to 2021. Coinciding with that increase in case filings has been a persistent high level of default judgments. Default judgments, meaning judgments in favor of the plaintiff because the person sued does not answer the lawsuit or show up in court, accounted for 62% of all justice court debt claim judgments during the same five-year period. There are also higher odds of financially harmful debt judgments in Black and Latino communities.

To address this concerning trend, the Texas Judicial Council adopted two resolutions in 2020 directing the Texas Office of Court Administration to develop a model plain language post-service and pre-default judgment packet that could be sent to debt defendants by the court, with the goal of educating defendants about the court process and making it easier to answer the lawsuit. This study is designed to support implementation of those two resolutions.

For this study, Texas Appleseed, with the input of state and national consumer law experts, developed a post-service letter packet, which could also be used as a pre-default judgment packet, to test with community members. The goal of the testing was to develop a model packet that could be further tested or implemented statewide. We pilot tested the packet to refine it and then translated it to Spanish and conducted broader testing, including in-depth interviews with 20 English-speaking participants and 10 Spanish-speaking participants. During the broader testing phase, participants experienced a hypothetical consumer debt lawsuit.

The study process mirrored the process a debt claim defendant would experience, first receiving a citation and petition and then receiving the post-service letter packet. It was used to assess the following two research questions:

1. Does the debt collection letter packet increase participants' understanding of the debt collection lawsuit?
2. Are participants able to answer a debt collection lawsuit given a hypothetical scenario?

In response to the first research question, we found that the debt collection letter packet:

- assisted participants in more accurately identifying basic elements of the lawsuit;
- enabled participants to identify multiple legal resources to assist in navigating the lawsuit process; and
- helped participants feel more relieved and positive about the debt collection lawsuit process.

In response to the second research question, we found that participants:

- were able to complete the answer form to respond to the lawsuit;
- felt more equipped to respond to the lawsuit; and
- indicated that they were more likely to respond to the lawsuit after receiving the debt collection letter packet.

The study interviews also pointed to areas to improve the letter packet. As a result of user feedback, we clarified the date of service, the distinction between the plaintiff and the plaintiff's attorney, that defenses could apply even if the debt or a portion of the debt was owed, and made the information about next steps in the lawsuit process more visible. The revised user-tested packet is included in this report.

Although the debt collection letter packet cannot replace access to legal counsel, the findings in this study show that the packet is a helpful tool for pro se debt collection defendants to assert their legal rights.

Recommendations from the study include:

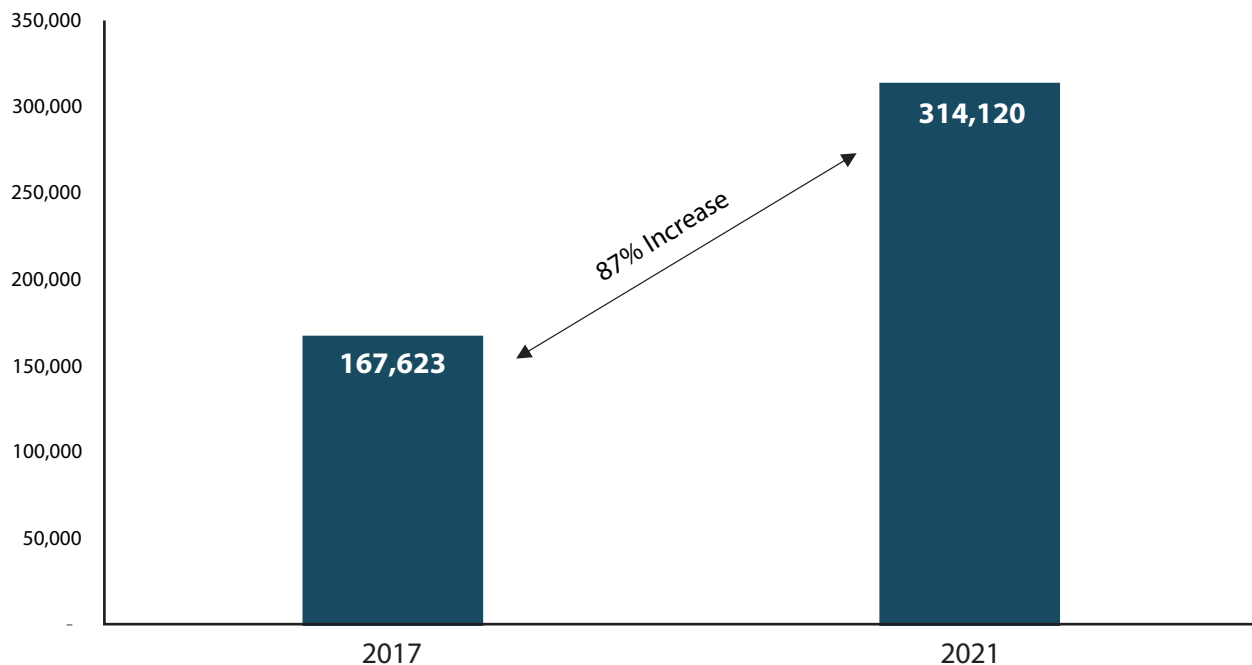
- statewide adoption of the letter packet in both English and Spanish; or
- a pilot with a court to further hone the letter packet and to assess impacts on defendant engagement in the court process.

As part of a pilot or broader adoption, it is important to develop a process for producing and mailing the letter packet, and to provide supplemental online resources.

Introduction

Texas has seen an increase in debt collection lawsuits, with a particular jump in the number of consumer debt cases filed in justice courts. In fiscal year 2021,¹ debt claim cases made up 30% of the statewide civil docket.² Debt claim case filings decreased in district and county courts, but increased by 12% in justice courts, reaching an all-time high of 314,120 cases.³ New case filings have consistently increased year to year through 2021. Over the past five years, from fiscal year 2017 to 2021, there was an 87% increase in the number of debt claim cases filed in justice courts.

Number of Debt Claim Case Filings in Texas Justice Courts
FY 2017 and FY 2021



Source: Texas Office of Court Administration, Annual Statistical Report for the Texas Judiciary, Fiscal Year 2017 and Fiscal Year 2021.

Coinciding with the surge in debt claim cases, there has been a consistent and growing problem with default judgments dominating case outcomes.⁴ From 2017 to 2021,⁵ default judgments in debt claim cases in Texas justice courts comprised 62% of all judgments. In addition, a recent analysis of debt claim cases in Harris County found that 92% of debt claim defendants in justice court were not represented by counsel.⁶

¹ Fiscal year in this study refers to the one-year period starting on September 1 and ending on August 31. For example, fiscal year 2021 includes data from September 1, 2020 to August 31, 2021.

² Texas Office of Court Administration, [Annual Statistical Report for the Texas Judiciary, Fiscal Year 2021](#), at 4 (2022).

³ *Id.* at i.

⁴ A default judgment is a judgment in favor of the plaintiff — the party suing to collect the debt — because the person sued does not answer the lawsuit or show up in court.

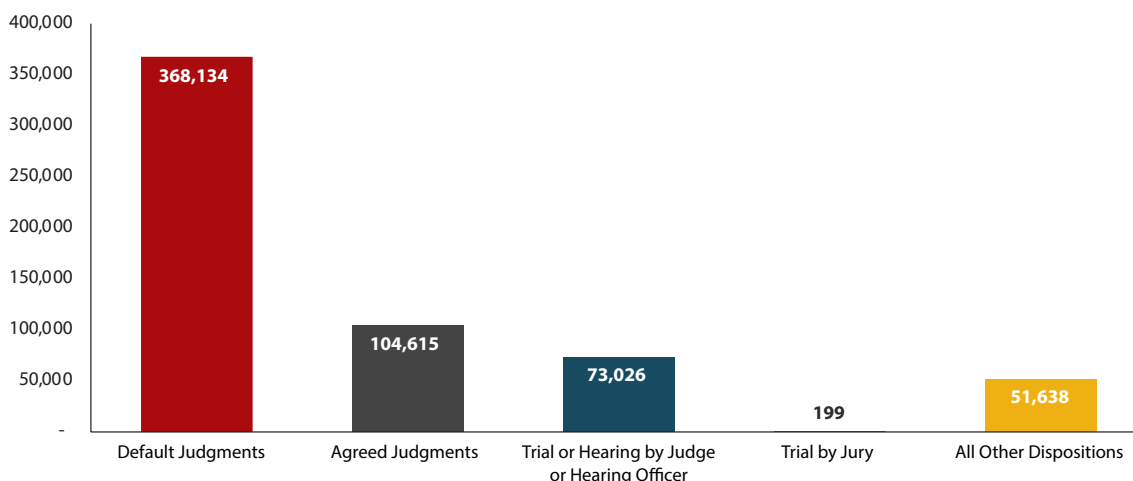
⁵ Years represent fiscal years, with each fiscal year starting on September 1 and ending on August 31 of the following year. For example, fiscal year 2017 starts September 1, 2016 and ends on August 31, 2017.

⁶ Ann Baddour and Dr. Ellen Stone, [Debt, Access to Justice, and Racial Equity: An Analysis of Consumer Debt Collection Lawsuits in Texas and Recommended Reforms](#), at 6 (April 2021).

The high rate of default judgments coupled with low rates of representation for debt defendants is concerning. It is hard to build public confidence in a system where so many cases are decided without hearing from the defendant and where there is a strong imbalance of knowledge and experience with the legal process between the parties. In addition, the impacts of a debt claim judgment on a person's finances can be severe, enabling broad powers on the part of the creditor to seize nonexempt funds in a bank account as well as nonexempt property.

62% of Debt Collection Judgments in Justice Courts Were Default Judgments

Total, FY 2017 to FY 2021



Source: Texas Office of Court Administration, Court Reporting Directory System, ad hoc search for statewide debt claim data in justice courts for September 1, 2016-August 31, 2021, downloaded January 31, 2023.

Recent research also highlights racial disparities in debt claim lawsuit outcomes. A recent study of consumer debt claim case filings and judgments in Harris County justice courts found that census tracts with a higher proportion of Black and Latino residents faced more harmful case outcomes — with higher odds of judgments against debt defendants — compared to census tracts with a higher proportion of white residents.⁷

In response to many of these concerns, in 2020, the Texas Judicial Council adopted resolutions to improve access to justice in debt claim cases. This study is designed to support the implementation of two of the resolutions:⁸

- Civil Justice Resolution 2: The Texas Judicial Council to direct the Office of Court Administration to create a model plain language post-service letter packet that courts can use to send to debt claim defendants; and
- Civil Justice Resolution 4: The Texas Judicial Council to direct the Office of Court Administration to create a model plain language debt claim default judgment notice packet that courts can use to send to a debt claim defendant prior to issuing a default judgment in a debt claim case.

The results of this study offer a pathway to implement the Texas Judicial Council resolutions and improve access to justice in debt claim cases in Texas.

⁷ *Id.* at 14.

⁸ See 2020 Texas Judicial Council Civil Justice Committee Recommendations number 2 and number 4, available at: https://www.txcourts.gov/media/1449796/resolutions-approved-by-the-texas-judicial-council-september-24-2020_.pdf.

Study Methodology and Data Collection

The purpose of this study was to develop and test a model plain language post-service letter packet that a court could send to consumer debt defendants. The end goal is to mitigate the problem of high rates of default judgments by increasing defendants' understanding of a debt collection lawsuit and increasing their ability to submit an answer to the lawsuit and engage in the legal proceedings. We worked with state and national consumer law experts⁹ to develop a letter packet that could be sent by courts to debt claim defendants. The packet that was tested uses the justice court process, including answer deadlines, but it could be adjusted for other courts. The packet includes a letter with key information about the lawsuit, a sample answer form, and basic instructions on how to fill out and file an answer form with the court. In current court practices, there is no sample form included with the citation and petition served on a defendant.

After developing the packet, we user-tested it to answer the following two research questions:

1. Does the letter packet increase participants' understanding of the debt collection lawsuit?
2. Are participants able to answer a debt collection lawsuit given a hypothetical scenario?

Methodology

We used a mixed-methods approach to answer the research questions. Six participants were recruited for the pilot study, and 30 participated in the main study. The pilot study was designed to test the clarity of our instruments and gain a sense of the time needed to complete the interviews.

To recruit participants for the main study, we partnered with two community nonprofit organizations located in Austin, Texas: Financial Health Pathways and Family Eldercare. We recruited 14 participants from Financial Health Pathways and five from Family Eldercare. We also contacted individuals that previously had reached out to Texas Appleseed regarding consumer debt collection matters and successfully recruited two participants. The remaining nine participants were recruited through snowball sampling.¹⁰

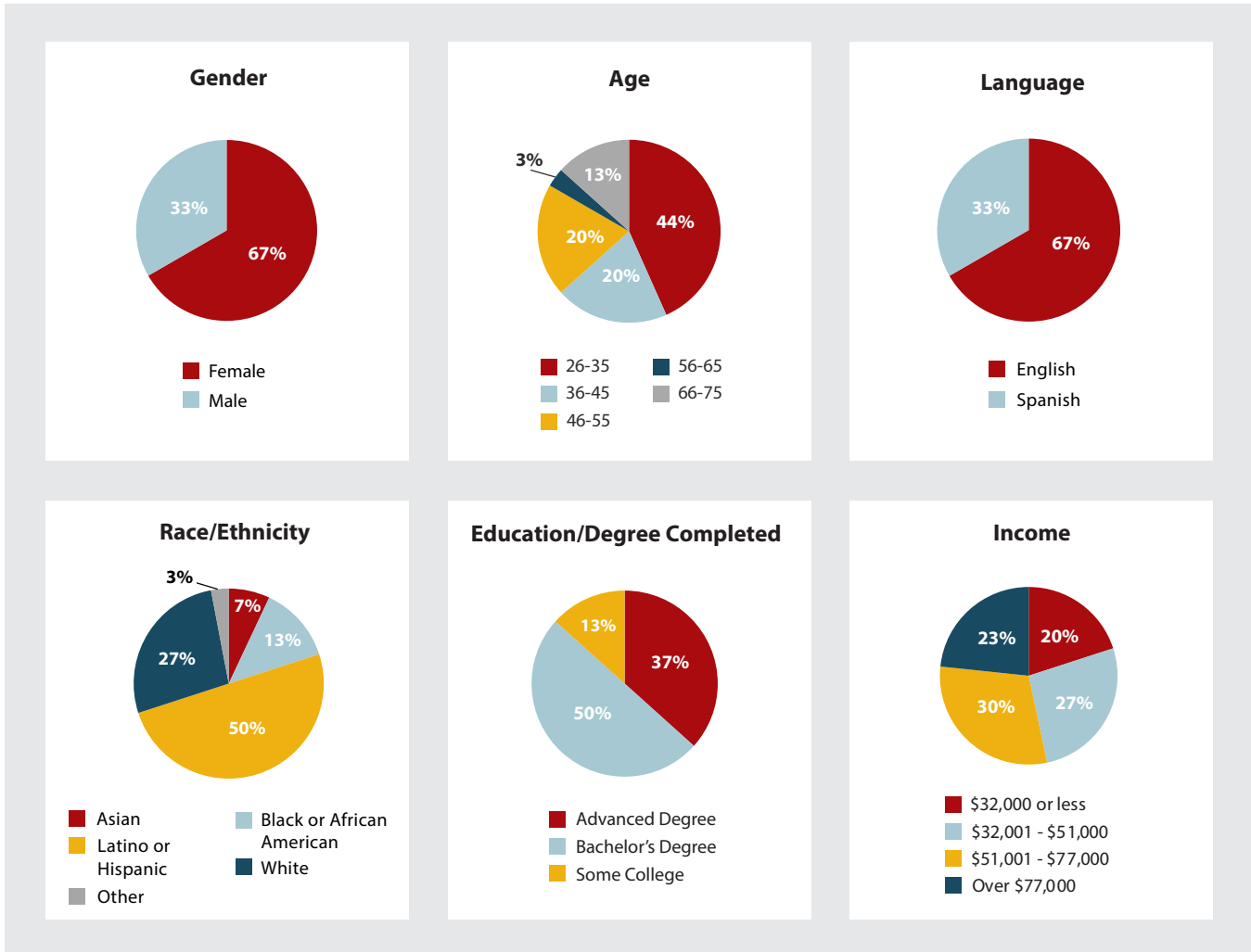
Participants were given the option to report demographic information. All 30 participants in the main study answered the demographic questions. Participants were majority female (67%), and most participants were 26-45 years old (64%). Half of the participants identified as Latino or Hispanic, and 87% had a bachelor's degree or higher.¹¹ Participants largely fell within low- or moderate-income brackets, with 77% having annual incomes below \$77,000 and 47% earning \$51,000 or below.

⁹ For the purposes of this study, "we" refers to Texas Appleseed. We would like to thank Professors Mary Spector and Beth Thornburg of the Dedman School of Law at Southern Methodist University, Rich Tomlinson and Newton Tamayo of Lone Star Legal Aid, April Kuehnhoff and Carla Sanchez-Adams of the National Consumer Law Center, Amy Clark of Texas RioGrande Legal Aid, Erika Rickard of Pew Charitable Trusts, and Elizabeth Gonzalez of Public Counsel, for their invaluable support and feedback in the development of the letter packet. We would like to thank Comal Collective for translating the letter packet.

¹⁰ Snowball sampling is a technique where participants refer researchers to other potential participants. We primarily used this technique to recruit the Spanish-speaking study participants.

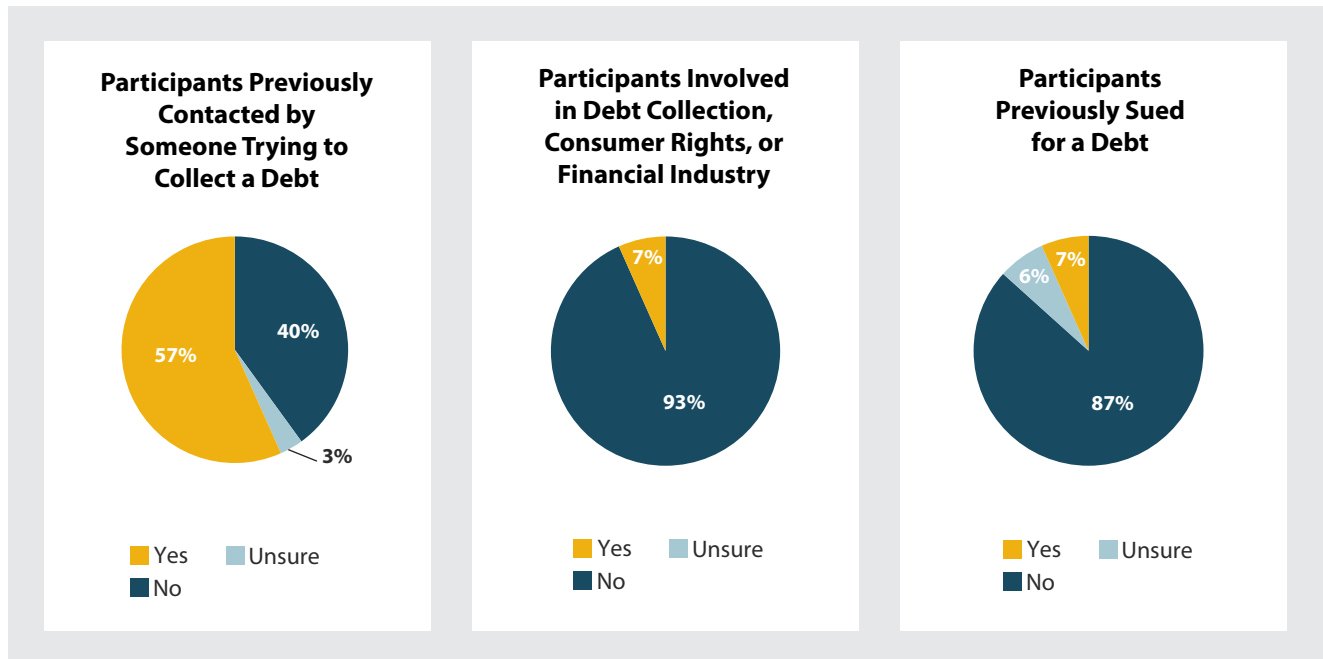
¹¹ We did 20 interviews in English and 10 interviews in Spanish.

Participant Demographic Data



In addition to the demographic questions, participants answered three questions about past experiences with debt collection, debt collection lawsuits, and their employment history with debt collection-related work to allow us to better understand experiences with debt collection.

Participant Experiences with Debt Collection



After the initial demographic and background questions, participants engaged in a three-phase process to gauge their knowledge and understanding of the debt collection lawsuit process both before and after receiving the letter packet. Each participant received a \$75 gift card to a local grocery store after completing the study.

We analyzed qualitative and quantitative responses to the survey and interview forms developed for the study. The analysis focused on assessing the impacts of receiving the debt collection letter packet on participants' understanding of the lawsuit process, assessing the ability of participants to fill out and submit the sample answer form provided in the packet, and highlighting areas where the letter packet could be improved.¹²

Data Collection

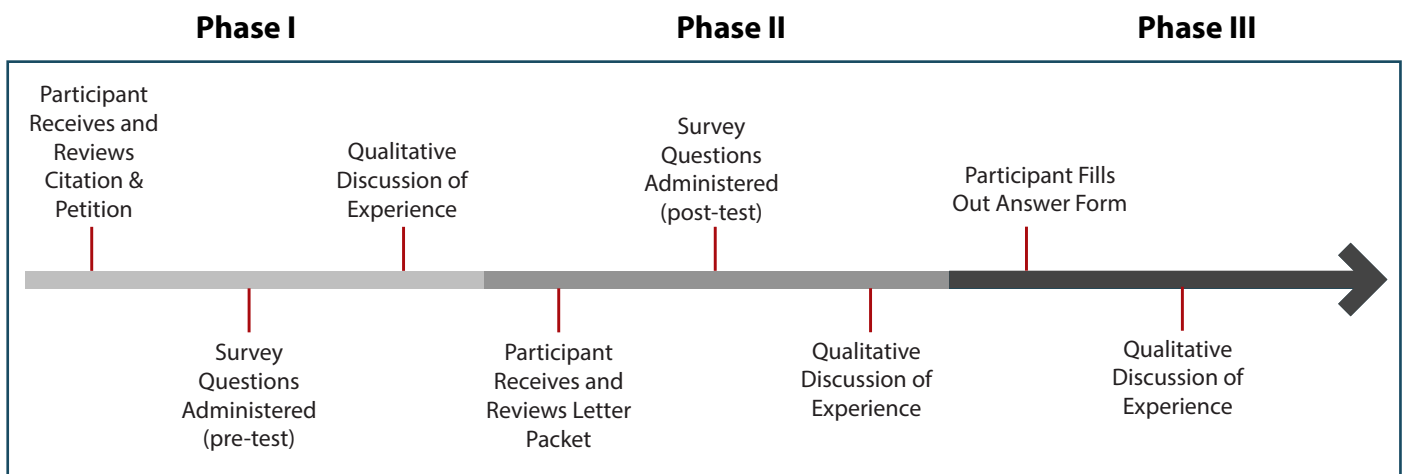
The study consisted of three phases:

- I. Participants receive the citation and petition;
- II. Participants receive the debt collection letter packet; and
- III. Participants complete the answer form included in the letter packet.

¹² For a more detailed methodology, see Appendix C.

The phases in the study were designed to mirror what an actual debt claim lawsuit defendant might experience.

Study Data Collection Process



After completing the demographic survey, participants entered Phase I of the study. They were given a citation and petition¹³ to review that mirror documents currently received by a debt claim lawsuit defendant, containing important information about the debt collection lawsuit.¹⁴ Once participants finished reviewing the documents, they completed a written survey and then engaged in a verbal discussion about their general understanding of the citation and petition.

In Phase II, participants were given the debt collection letter packet developed for this study, containing a letter summarizing important information about the lawsuit, a sample answer form, and instructions with basic information on how to fill out and submit the answer form. After reviewing the letter packet, participants were asked to complete the same written survey that they completed in Phase I to determine if there were changes in their understanding of the lawsuit. The Phase II survey included additional questions to gauge the likelihood of a participant to respond to the lawsuit after receiving the packet and their level of confidence in their ability to respond to the lawsuit. Participants then engaged in a verbal discussion about their general understanding of the letter packet.

Finally, in Phase III, participants were asked to complete the sample answer form provided in the letter packet based on a detailed case scenario. Two common consumer debt scenarios were used: a credit card debt and an auto loan debt. Participants then engaged in an open discussion, which commonly included an explanation of their approach to completing the answer form, comments on their general understanding of the answer form, and how they would file the answer form with the court.¹⁵

Limitations of this study include having two interviewers¹⁶ and participants' limited knowledge of their respective case scenarios, as the scenarios were hypothetical and participants had just a short period of time to familiarize themselves with the facts of the scenario. Participants were, on average, highly educated, which could impact their understanding of the study scenarios. Further, due to a small sample size (n=30), demographic information of participants is not proportional to the state of Texas.

¹³ The petition is from the person or business suing to collect a debt, and the citation is from the court where the lawsuit was filed. The citation and petition were provided to Spanish-speaking participants in English because the court does not provide those documents in Spanish.

¹⁴ As part of the study, we created a citation and petition based on real documents, but with fictional names, addresses, courts, and other specified information.

¹⁵ To view all study documents and materials, see the Study Materials section located in Appendix E.

¹⁶ Interviewers worked to ensure consistency across all interviews, but having two interviewers has the possibility of introducing some variability in how the interviews were conducted.

Findings

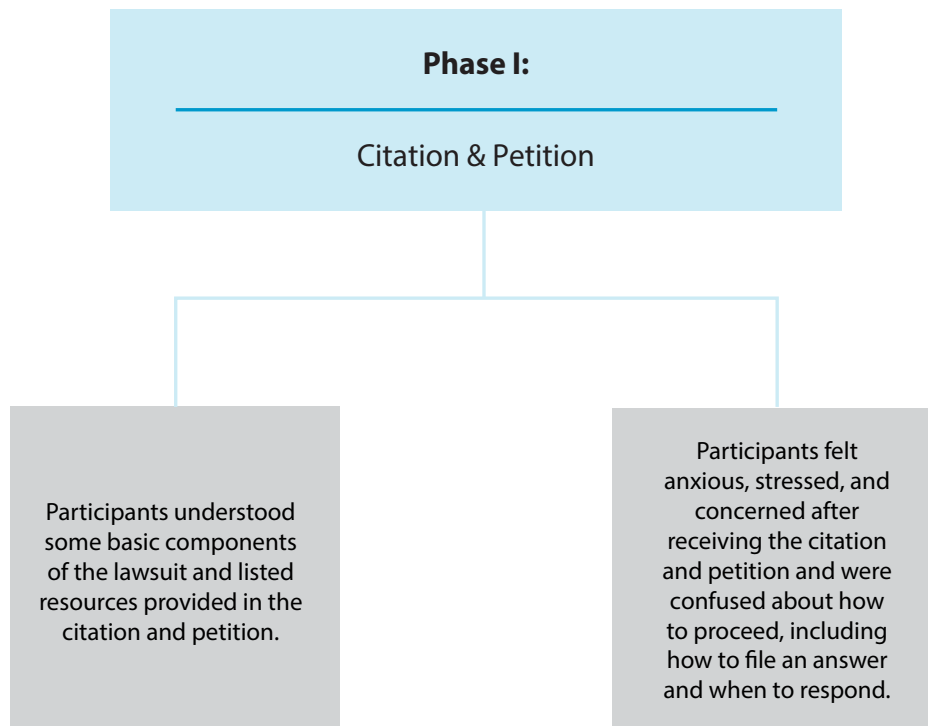
Phase I: Participants Receive the Citation and Petition

In Phase I, participants received a mock debt collection lawsuit citation and petition to review. The citation and petition explain who is suing the defendant, as well as the amount and nature of the debt that the defendant purportedly owes the plaintiff. The citation also provides information about the specific court where the defendant is being sued and about the answer deadline. We gave participants unlimited time to review these two documents before proceeding to the written pre-test survey questions. Upon completing the written questions, the interviewer asked questions about the experience of receiving the citation and petition and to gauge general understanding of the two documents.

After reviewing participants' responses to the survey questions and the verbal discussion, we identified two main themes across participant answers:

- Theme I: Participants understood some basic components of the lawsuit and the listed resources provided in the citation and petition; and
- Theme II: Participants felt anxious, stressed, and concerned after receiving the citation and petition and were confused about how to proceed, including how to file an answer and when to respond.

Phase I: Main Themes Expressed by Participants

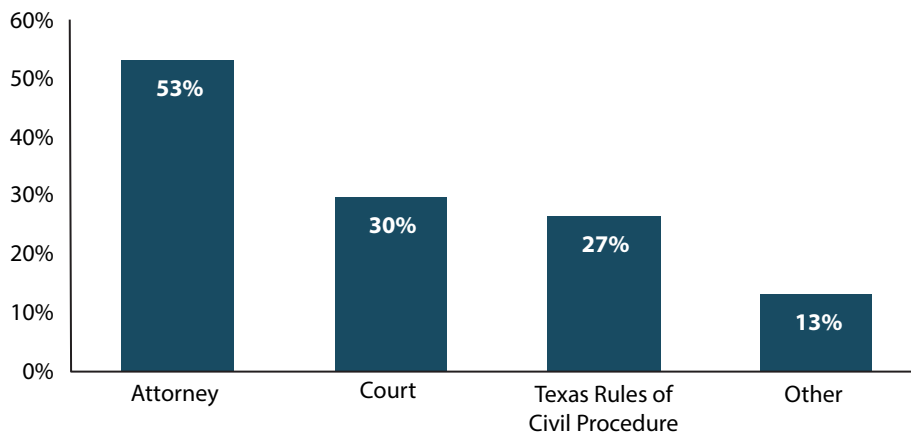


Theme I: Participants Understood Some Basic Components of the Lawsuit and Listed Resources Provided in the Citation and Petition.

After reviewing the citation and petition, participants were able to identify that they were being sued. “Well, it’s easy to understand that I’m getting sued,” said one participant. Participants were also able to correctly identify key information provided in the citation and petition, including the following: who is suing, who is being sued, how much they are being sued for, if the person or company suing has a lawyer, and why the lawsuit was filed.

When asked about who to contact for additional information regarding the lawsuit, participants listed resources they would utilize for questions or advice that largely mirrored the information available in the citation and petition. Nine out of the 30 participants, in their role as defendants, said they would contact the plaintiff’s attorney and seven said they would contact an attorney without specification. Other common answers included contacting the court and referencing the Texas Rules of Civil Procedure. Few participants mentioned sources of additional information that were not explicitly included in the citation and petition.

Who could the person sued contact if they have any questions?



N=30. Total does not add up to 100% because participants could provide more than one answer.¹⁷

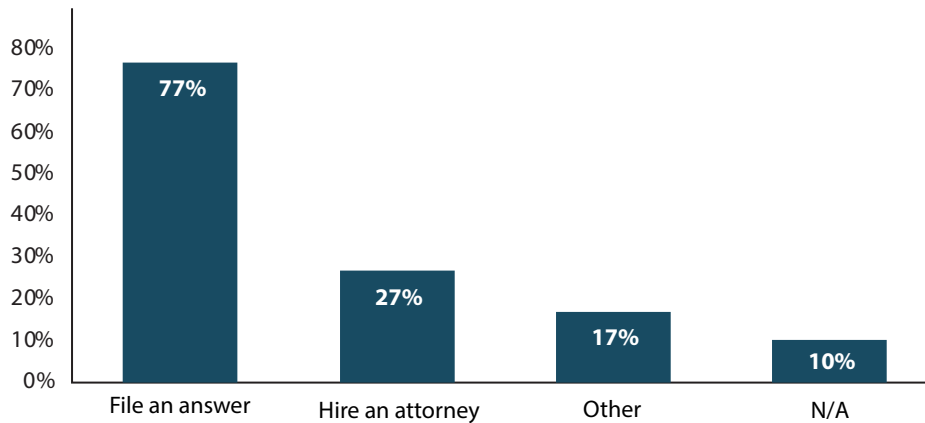
Theme II: Participants Felt Anxious, Stressed, and Concerned after Receiving the Citation and Petition and Were Confused About How to Proceed, Including How to File an Answer and When to Respond.

We asked participants about the emotions they experienced after receiving the citation and petition. Many expressed feelings of anxiety, stress, and concern. One participant felt the citation and petition “create[d] alarm” and “[gave] the impression that it’s past tense or almost as if it’s already completed and done and you have no recourse.” Another participant expressed feeling “intimidated,” and that “something [was] wrong,” while another felt “angry,” claiming they “might rip the paper and throw it away” because “[I] don’t understand.”

Participants were aware that they needed to respond to the lawsuit, with 77% of participants saying they would file an answer when asked what they should do next; however, they expressed confusion regarding what it meant to file an answer.

¹⁷ Other answers included: “I don’t know,” “The info. the plaintiff at the bottom,” and “Within 14 days.” Attorney answers included: “Plaintiff’s attorney” and “attorney.” Court answers included: “Court,” “Court clerk,” “Justice Court,” and “Travis County Justice Court, Precinct 6, Place 2.”

Do you know what the person being sued should do next?



N=30. Total does not add up to 100% because participants could provide more than one answer.¹⁸

Participants' confusion was apparent through verbal expressions of frustration. "I don't understand what it means to file an answer," said one participant. Another participant asked, "Am I supposed to write something off...? I can't really explain what I would do next."

“I don't understand what it means to file an answer.”

Confusion regarding the process to respond to the lawsuit was also evident in responses to a question about the deadline to file an answer. Eighty-seven percent understood they had to respond to the lawsuit within 14 days, and 63% indicated that they needed to respond based on the date of service. One participant stated that "it's due by the end of the fourteenth day after the day you were served," and another participant felt that "it states very clearly that you have to file an answer in 14 days." While participants understood generally that they must file an answer within 14 days of the date of service, they were unclear about the actual date of service. No participants provided a correct date for the answer deadline, with some citing the date the petition was filed with the court as the start of the 14-day answer deadline.

In summary, after receiving the citation and petition, participants experienced feelings of stress, anxiety, and overall concern about the debt collection lawsuit. They were unclear about the process of responding to the lawsuit and whether the answers they chose were the best course of action.

¹⁸ Other answers included: "Contact advocacy group," "Pay the debt," "Show up to hearing," and "Texas Rules of Civil Procedure," and N/A answers included: "No," "No answer," and "Yes."

Phase II: Participants Receive the Debt Collection Letter Packet

After participants completed Phase I of the study, we transitioned into Phase II — reviewing the debt collection letter packet that was developed for this study. The packet included a letter from the court, a sample answer form, and instructions on how to fill out and submit the answer form.¹⁹

- The letter provided people being sued for a debt with an overview of the debt collection lawsuit process, important details about the lawsuit, and resources for legal assistance and information.
- The instructions provided participants with a set of basic steps explaining how to fill out an answer form and how to file the answer with the court.
- The sample answer form provided participants with a blank template of a written form to respond to the lawsuit, including a general denial of the debt and a list of common defenses.²⁰

Like Phase I of the study, we gave participants as much time as needed to review the letter packet before proceeding with the next round of survey questions. After participants completed their review of the letter packet, they answered the same written survey questions provided in Phase I. By repeating the same questions, we were able to identify changes in participants' understanding of the lawsuit process after receiving the letter packet. After completing the written survey, the interviewer asked verbal questions about their general understanding of the letter packet.

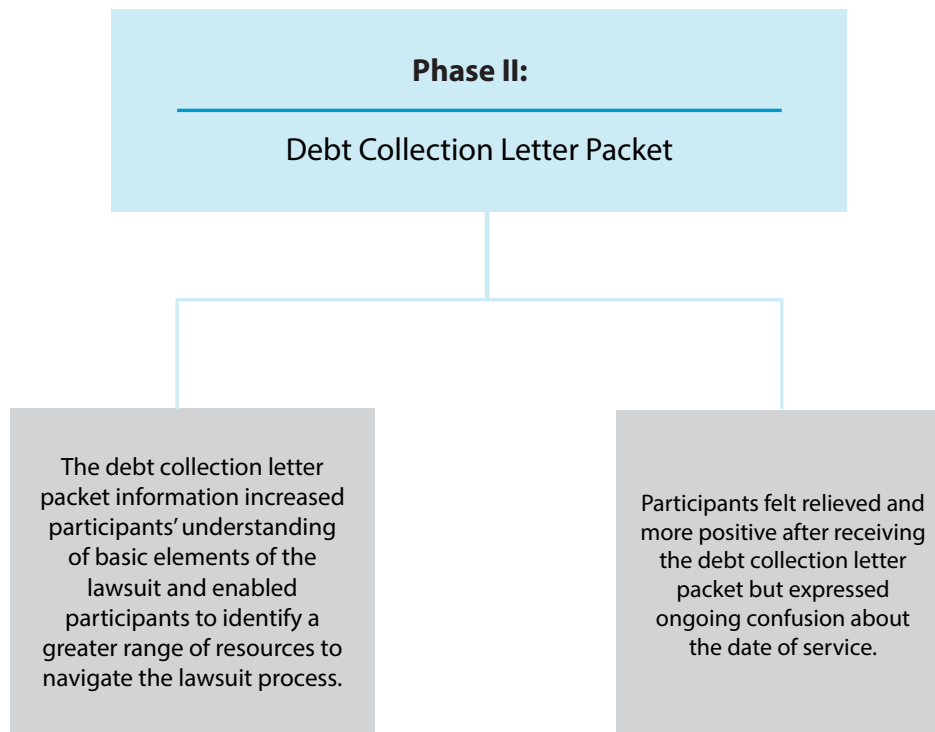
After reviewing participants' responses to the written post-survey and verbal questions, we identified two main themes:

- Theme I: The debt collection letter packet information increased participants' understanding of basic elements of the lawsuit and enabled participants to identify a greater range of resources to navigate the lawsuit process; and
- Theme II: Participants felt relieved and more positive after receiving the letter packet.

¹⁹ See Appendix E for a copy of the form that was tested in this study.

²⁰ The list of defenses and pleas in this form was not exhaustive and was developed with feedback from consumer attorneys to create a form that was relatively simple and easy to use.

Phase II: Main Themes Expressed by Participants



Theme I: The Debt Collection Letter Packet Information Increased Participants' Understanding of Basic Elements of the Lawsuit and Enabled Participants to Identify a Greater Range of Resources to Navigate the Lawsuit Process.

After reviewing the letter packet, participants' understanding of basic elements of the lawsuit increased, and they expressed awareness of a broader list of legal assistance information and resources they could access to answer questions about the debt collection lawsuit. The study found statistically significant changes in participant answers to the following questions after receiving the letter packet:²¹

- In what court was the lawsuit filed?
- Who could the person being sued contact if they had any questions?
- How easy or difficult was it for you to answer these questions [the survey questions about the lawsuit]?²²

²¹ See Appendix D for the analysis.

²² There was no statistically significant difference in participant answers before and after receiving the letter packet for the following questions: "Who is suing?", "Who is being sued?", "How much is this person being sued for?", "Does the person/company have a lawyer?", "Do you know why the lawsuit was filed?", and "Do you know what the person being sued should do next?". See Appendix D for more details.

In what court was the lawsuit filed?

Participants were more likely to correctly identify the court where they had been sued after receiving the letter packet.²³ Eleven of the study participants who did not correctly identify the court before receiving the letter packet were able to correctly identify the court after reviewing the packet. Seven participants did not correctly identify the court before or after receiving the letter packet, and 12 participants correctly identified the court in both phases of the study. **This finding indicates participants were more likely to identify the correct court information based on the presentation in the letter packet as compared to the citation and petition.** Prior to receiving the letter packet, 37% of participants correctly identified the full court name,²⁴ compared to 77% of participants after receiving the letter packet.

Participants were more likely to correctly identify the court where they had been sued after receiving the letter packet.

Who could the person being sued contact if they had any questions?

For this question, participants were able to independently list multiple answers. The study found a statistically significant increase in the number of participants who listed the court and available legal resources, such as legal aid, the State Bar lawyer referral service, and Texas Law Help, as sources of information to answer questions about the lawsuit.²⁵ There was a statistically significant decrease in the number of participants who listed the Texas Rules of Civil Procedure as a resource after participants reviewed the letter packet compared to when they received the citation and petition.²⁶

Participant answers appeared to be directly impacted by the specific resources listed in the materials that they were reviewing to answer the question. The citation included a specific reference to the Texas Rules of Civil Procedure, while that reference was not included in the letter packet. Conversely, the letter packet specifically listed available legal resources, such as legal aid, which were not included in the citation and petition. **This finding supports inclusion of an array of resources in the information about the debt collection lawsuit that is shared with defendants so that they are aware of resources available to help navigate the lawsuit process.**

How easy or difficult was it for you to answer these questions?

Participants indicated that it was easier to answer the survey questions, which covered important details about the debt collection lawsuit, after reviewing the letter packet. This increase in ease was statistically significant.²⁷ Sixty percent of participants found it somewhat easy or very easy to answer the survey questions after reviewing just the citation and petition, compared to 80% of participants after reviewing the letter packet. Participants who took the survey and reviewed the letter packet in Spanish saw a

²³ A McNemar chi-square test found a significant increase in participants listing the correct court information after receiving the packet, $\chi^2(1, N = 30) = 9.1, p < .05$.

²⁴ For this analysis, a correct answer was any participant answer that included "Justice Court, Precinct 6, Place 2."

²⁵ A McNemar chi-square test found a significant increase in participants who listed court ($\chi^2(1, N = 30) = 7.6, p < .05$) and legal resources such as legal aid, the State Bar referral service and Texas Law Help after receiving the letter packet ($\chi^2(1, N = 30) = 6.1, p < .05$).

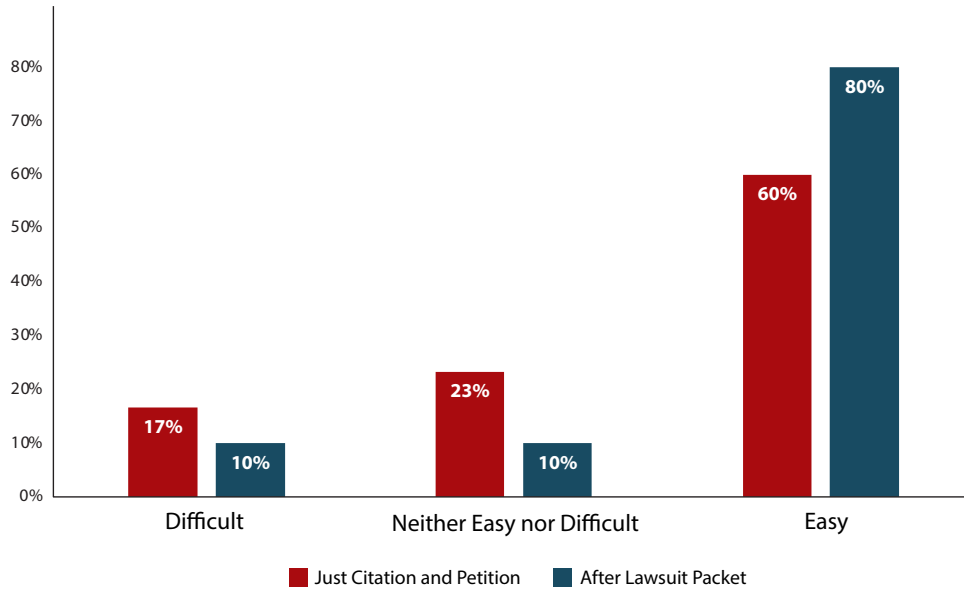
²⁶ A McNemar chi-square test found a significant decrease in participants who listed the Texas Rules of Civil Procedure as a resource after receiving the letter packet, $\chi^2(1, N = 30) = 5.1, p < .05$.

²⁷ A paired Wilcoxon signed rank test indicated that there was a statistically significant increase in how easy it was for participants to answer the questions after reviewing the letter packet, $Mdn_{\text{citation/petition}} = 4, Mdn_{\text{lawsuitpacket}} = 4.5, V = 25, p < .05$.

particularly large benefit from the letter packet, with 90% answering that it was somewhat or very easy to answer survey questions about the lawsuit after the letter packet compared to 30% after reviewing just the citation and petition.

This finding highlights the overall benefit of the letter packet in improving participant understanding of the debt collection lawsuit process, as well as the particular importance of language access for the Spanish-dominant study participants.

Reviewing the Lawsuit Packet After the Citation and Petition Increased Ease of Answering Questions About the Debt Claim Lawsuit



N=30. “Difficult” includes very and somewhat difficult, and “Easy” includes very and somewhat easy.

Theme II: Participants Felt Relieved and More Positive After Receiving the Debt Collection Letter Packet but Expressed Ongoing Confusion About the Date of Service

Participants shared feelings of relief and positivity once they reviewed the letter packet. They expressed appreciation of the clear format of the letter packet and of the detailed information about the lawsuit and legal process included in the packet. One participant stated the letter packet was “so much more convenient” than solely receiving the citation and petition.

“
The letter packet was “so much more convenient”
than solely receiving the citation and petition.
”

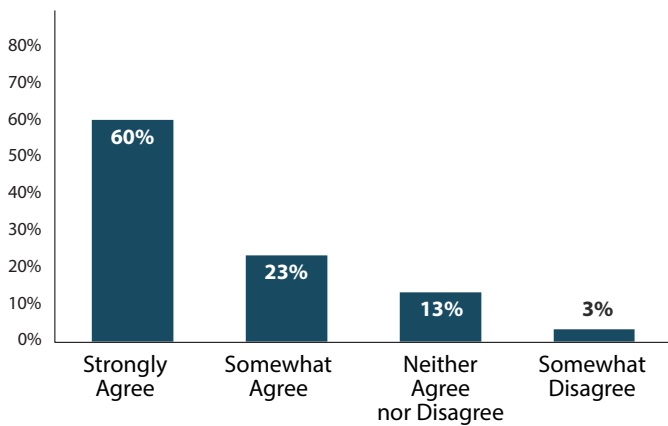
Another participant noted how helpful the bulleted sections of information were, highlighting that they “loved this type of formatting” because it made it “easier to break down” the content. After completing

the pre- and post-test survey questions, participants answered a new set of four scaled questions to gauge their feelings regarding the benefits of the letter packet.²⁸

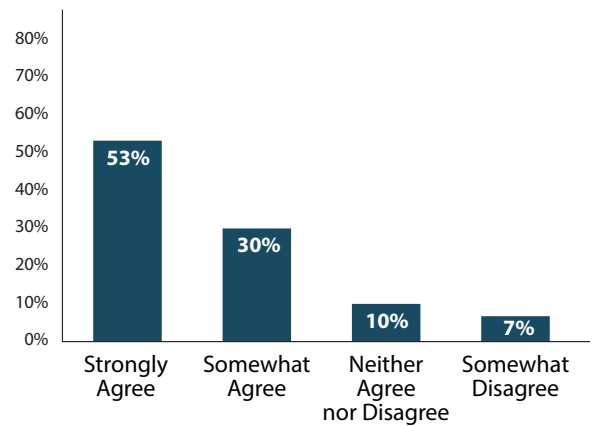
Assessing Overall Benefits of the Letter Packet

After receiving the letter packet, 83% of the participants somewhat or strongly agreed that their understanding of the information in the citation and petition had improved. Eighty-three percent of the participants also felt that their overall understanding of the lawsuit improved after reading the debt collection letter packet.

My understanding of the Citation and Petition has improved after reading the Debt Collection Letter Packet.



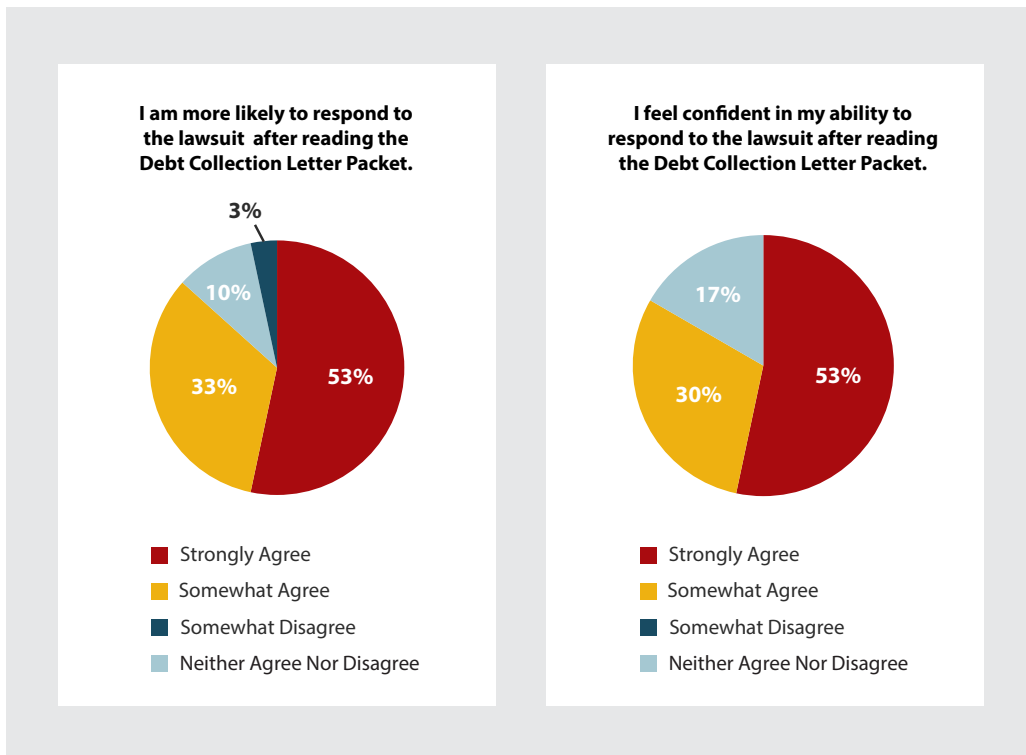
My understanding of the lawsuit has increased after reading the Debt Collection Letter Packet.



No participants selected "Strongly Disagree" for either of these two questions.

Two additional questions examined the impact of reviewing the debt collection letter packet on participant perception of their likelihood to respond to the lawsuit and their confidence related to the lawsuit process. Eighty-six percent of the participants either strongly agreed or somewhat agreed with the statement, "I am more likely to respond to the lawsuit after reading the debt collection letter packet."

²⁸ Participants could choose one of five answers to the four supplemental survey questions: strongly agree, somewhat agree, neither agree nor disagree, somewhat disagree, and strongly disagree.



No participants selected "Strongly Disagree" for either of these two questions. Due to rounding, data may not add up to 100%.

When asked if receiving the letter packet increased confidence in their ability to respond to the lawsuit, 83% somewhat agreed or strongly agreed that it did increase their confidence to respond.

“I was overwhelmed with these documents [the citation and petition] at first” one participant stated, “but this [lawsuit] packet makes me feel better about what I need to do next.”

“I was overwhelmed with these documents [the citation and petition] at first” one participant stated, “but this [lawsuit] packet makes me feel better about what I need to do next.” **Overall, participants felt their understanding of the citation and petition and the lawsuit process improved after reviewing the letter packet, as well as their likelihood to engage in the process and their confidence in their ability to engage.**

Ongoing Confusion About Date of Service

While the letter packet increased participant confidence in their knowledge about the lawsuit and their ability to respond to the lawsuit, one crucial piece of information was still plaguing participants: understanding the specific deadline to file an answer with the court. Like the finding after receiving the

citation and petition, participants understood that they needed to file an answer within 14 days, but most were unable to identify the specific date of service to figure out the exact date the answer was due.

Twenty-four participants were able to correctly identify that they needed to file an answer within 14 days before reviewing the letter packet and three more participants were able to correctly identify that they needed to file an answer within 14 days after reviewing the packet, a difference that was not statistically significant.²⁹ Though participants understood that the person being sued should file an answer within 14 days, they were unable to correctly identify the specific date for filing an answer before or after reviewing the letter packet.

Though participants understood that the person being sued should file an answer within 14 days, they were unable to correctly identify the specific date for filing an answer before or after reviewing the letter packet.

No participant who provided a specific date for the answer deadline shared a date that was 14 days after the date of service. Similar to participant answers after receiving the citation and petition reported in Phase I of the study,³⁰ the participants who listed a date in Phase II of the study listed a date that was not correct and reflected a misunderstanding of the specific date of service.

Continued confusion regarding the actual date of service points to needed changes in the letter packet to clarify the date of service and ensure debt defendants understand the specific date by which the answer form must be filed.

Phase III: Participants Complete the Answer Form Included in the Letter Packet

In the final phase of the study, participants were asked to role-play as the defendant in the lawsuit. Participants filled out the sample answer form that was included with the letter packet and then discussed their experience filling out the form. To avoid bias in this segment of the study, participants were randomly provided with one of two common debt claim case scenarios, a credit card debt and an auto loan deficiency.³¹ Half of the participants were provided with background information and documents for a credit card scenario and half for an auto loan scenario. We did not specifically test differences in responses based on scenario.

Based on the analysis of discussions with participants about their experience filling out the form, two themes emerged:

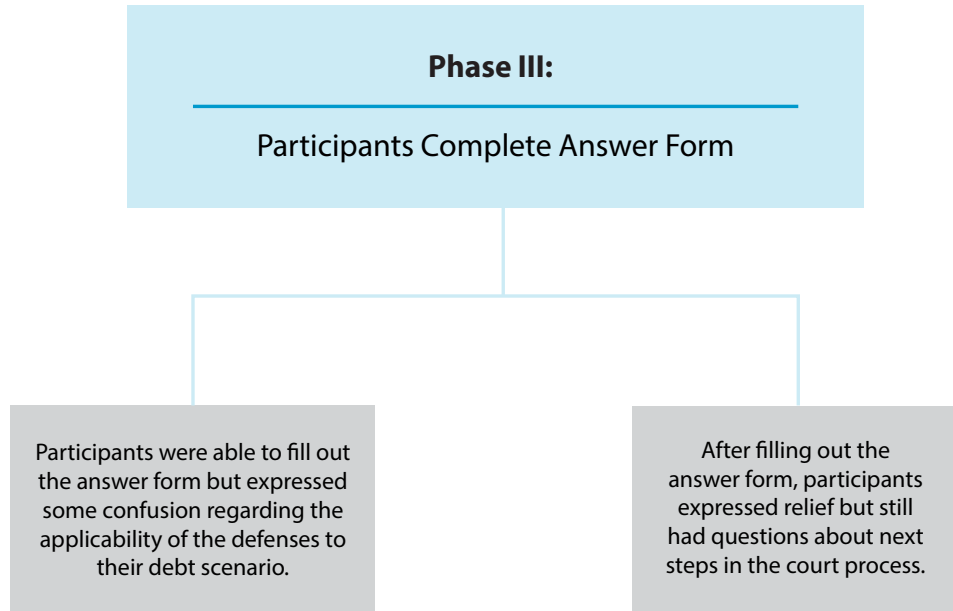
- Theme 1: Participants were able to fill out the answer form but expressed some confusion regarding the applicability of the defenses to their debt scenario.
- Theme 2: After filling out the answer form, participants expressed relief, but they still had questions about next steps in the court process.

²⁹ A McNemar chi-square test found no significant difference in the number of participants answering “within 14 days” to file an answer after reviewing the letter packet, $\chi^2(1, N = 30) = 0, p = 1$.

³⁰ See the discussion in Phase I under Theme II.

³¹ See Appendix E for the case scenarios.

Phase III: Main Themes Expressed by Participants



Theme I: Participants Were Able To Fill Out The Answer Form But Expressed Some Confusion Regarding The Applicability Of The Defenses To Their Debt Scenario.

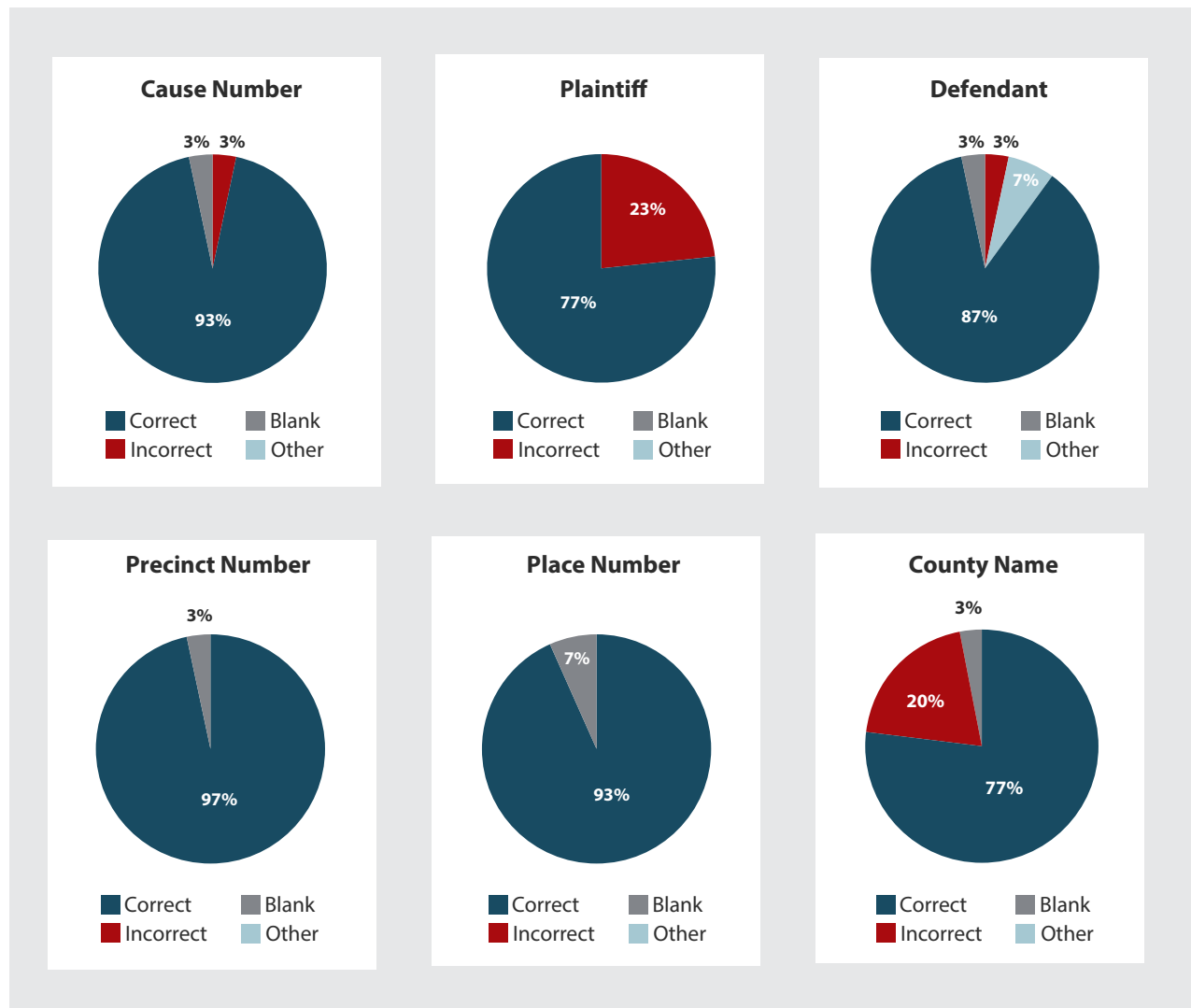
Most participants were able to correctly identify and include specific lawsuit information necessary to complete case information required for the answer form, including:

- cause number;
- plaintiff;
- defendant;
- precinct number;
- place number; and
- county.

Among those who did not correctly identify the plaintiff, there were two common errors that stand out in the data as the areas of most confusion:

1. participants confused plaintiff and defendant; and
2. participants identified the plaintiff's attorney as the plaintiff.

Participant Answers for Key Fields of the Answer Form



Due to rounding, data may not add up to 100%

The six participants who were confused about the correct county name included a variety of answers. Three, who listed Harris County, confused the debt collection lawsuit scenario information about their county of residence with the county in which the lawsuit was filed. Two listed Austin as the county name and one listed the address of the court.

All participants filled out the general denial, and 80% selected defenses from the list of defenses included in the form. Six participants did not select any defenses in the list on the form. When asked about their reasons for not selecting defenses, participant responses included:

- none of the defenses applied to their case;
- concerns that selecting an “incorrect” defense would limit future options for recourse;
- hesitancy to select a defense due to not having enough information about the history of the debt; and
- a feeling that it would be wrong or unethical to select a defense if they had incurred the underlying debt.

The case scenarios were set up for at least one of the defenses listed to be applicable. **The finding that several participants were cautious about asserting their legal rights due to confusion about the applicability of certain legal defenses is indicative of the limitations of a pro se defense. The answer form was created to make it easier for individuals to answer the lawsuit and assert rights but cannot replace the expert assistance of legal counsel.**

Theme II: After Filling Out the Form, Participants Expressed Relief, But Still Had Questions About Next Steps in the Court Process.

After participants completed the answer form, most felt a sense of relief, with one participant saying they felt “a lot less anxious, reserved, and more optimistic moving forward.” Some participants still expressed ongoing feelings of nervousness about being sued and about the next steps in the court process after completing and filing the answer form. One participant shared, “I feel a sense of relief that it’s done...but I’m still nervous because I’m not sure if I filled it out correctly and I don’t know what’s going to happen next.”

“
“I feel a sense of relief that it’s done...but I’m still nervous because I’m not sure if I filled it out correctly and I don’t know what’s going to happen next.”
”

Overall, after receiving the letter packet, participants felt more equipped to file an answer to the lawsuit. However, they expressed concerns regarding next steps in the court process after the answer form was submitted. **The sense of relief coupled with nervousness about next steps in the process again reflects limitations in pro se representation, but it also suggests that the debt collection letter packet could be improved by further highlighting information in the packet about what to expect after submitting the answer form.**

Conclusion and Recommendations

This study was designed to answer two research questions to assess a post-service debt collection letter packet to improve access to justice for pro se debt claim defendants. The study centered around two research questions:

1. Does the debt collection letter packet increase participants' understanding of the debt collection lawsuit?
2. Are participants able to answer a debt collection lawsuit given a hypothetical scenario?

Based on the study findings, the letter packet increased participant understanding of the debt collection lawsuit. Participants were also able to fill out the answer form included in the letter packet to respond to a hypothetical debt collection lawsuit scenario.

Research Question 1: Does the debt collection letter packet increase participants' understanding of the debt collection lawsuit?

After reviewing the letter packet, study participants had a better understanding of the debt collection lawsuit. The study found statistically significant changes in the number of study participants who were able to identify key information related to the lawsuit and in their perceived ease of answering the pre- and post-letter packet survey questions:

- More participants were able to identify the correct court where the lawsuit was filed;
- Participants identified an expanded list of resources to help pro se defendants;
- Participants found it easier to answer questions about the lawsuit after reviewing the letter packet; and
- Spanish-speaking participants experienced a particular increase in ease of understanding the lawsuit after reading the letter packet in Spanish, from 30% finding it easy or very easy to 90%, highlighting the positive impacts of language access.

Participants also expressed feelings of relief after receiving the debt collection letter packet and communicated more positive feedback in the interviews that followed the survey. After receiving the letter packet, more than 80% of the study participants indicated their understanding of the lawsuit process had improved, that they were more likely to respond to the lawsuit, and that they had a greater level of confidence in their ability to respond.

Research Question 2: Are participants able to answer a debt collection lawsuit given a hypothetical scenario?

Study participants were able to fill out the sample answer form that was included as part of the debt collection letter packet:

- For each of the key fields in the answer form, at least 77% of participants were able to correctly fill them out, including the cause number, plaintiff, defendant, and court information;
- All participants completed the general denial; and
- 80% selected at least one defense among those provided on the form.

After filling out the answer form, participants again shared feelings of relief.

Debt Collection Letter Packet Improvements Based on Study Findings

Results from the study also highlighted areas where the debt collection letter packet could be improved to address participant confusion and ongoing questions:

- Both before and after receiving the letter packet, participants expressed confusion when trying to identify the date of service to calculate the answer deadline, pointing to an area where the packet should be clarified.
- Some participants had difficulty distinguishing the plaintiff and the plaintiff’s attorney;
- Participants appeared to benefit from expanding the list of legal resources included in the letter packet.
- Participants expressed a need for further guidance regarding the applicability of defenses, including whether or not defenses applied if the underlying debt was valid and the appropriateness of selecting more than one defense.
- Though the letter packet included a description of next steps after filing the answer, participants still expressed uncertainty about what would happen.

The research team updated the letter packet to address these issues, including defining the date of service, clarifying the identities of the plaintiff and plaintiff’s attorney, and providing more information about the applicability of defenses.³² We also made edits to correct a few instances of incorrect wording and grammar in the Spanish version of the letter packet, as well as added a legal resource already listed on the citation to provide debt defendants with an additional resource to reference for assistance with the debt collection lawsuit process.

Recommendations

The debt collection letter packet tested in this study provided participants with a plain language explanation of the debt collection lawsuit process that improved their understanding of the legal process and their stated likelihood of engaging in the legal process. The letter packet does not replace the benefits of having experienced legal representation, but it provided participants helpful information to navigate a hypothetical debt collection lawsuit.

Based on the findings of the study, Texas Appleseed recommends that the letter packet created through this study be used as a template to support implementation of the 2020 Texas Judicial Council Resolutions 2 and 4 that direct the Office of Court Administration to develop a “post-service letter packet that courts can use to send to debt claim defendants” and a “debt claim default judgment notice packet that courts can use to send to a debt claim defendant prior to issuing a default judgment in a debt claim case.”³³ The packet was developed as a post-service packet, but it could be adjusted to also meet the resolution of creating a default judgment notice packet.

³² See Appendix A and Appendix B for the final edited versions of the letter packet and for a tracked change version showing the changes made.

³³ *Supra*, note 6.

Implementation of the results of the study could include:

- conducting a pilot study of the debt collection lawsuit packet, including both English and Spanish versions of the packet, with current debt collection defendants to further improve the packet and assess impacts of the lawsuit packet on engagement levels in the debt claim court process for pro se defendants; or
- adopting the debt collection lawsuit packet that was developed through this study, in English and in Spanish, for statewide distribution by courts to assist and empower defendants to respond to a debt collection lawsuit.

As part of a pilot or broader adoption, it is also important to develop a process to support implementation by a court. Important components of the process include addressing necessary logistics associated with printing and mailing the letter packet and establishing the timing of mailing the letter packet to ensure it is received in advance of the lawsuit answer deadline³⁴ and in advance of a default judgment.

To complement the letter packet it would be beneficial to create online supplemental information and tools, available at court websites and other trusted websites. The supplemental resources could provide additional plain language information for pro se litigants about the legal process, defenses, a guided tool to fill out the answer form online, and more details on what to expect once an answer is filed.³⁵

Based on the findings of this study, a user-friendly, language-accessible debt collection letter packet should help Texans to be better educated on the debt collection lawsuit process and have a greater opportunity to engage more effectively in the legal process.

³⁴ The State of New York has a similar process, as described in statute, [NY CPLR § 306-D \(2022\)](#). Under New York law, the plaintiff, when filing proof of service with the court, must submit a stamped, unsealed envelope addressed to the defendant that includes the required post-service letter in both English and Spanish.

³⁵ Helpful resources already exist, including debt collection resources at [TexasLawHelp.org](#), a debt collection toolkit developed by Texas Appleseed at [mydebtcollectionrights.org](#), and a consumer debt tool developed by Lone Star legal aid, at <https://www.lonestarlegal.org/resource/consumer-debt-tool-a2j/>. Elements of these resources could be honed and tailored to complement the letter packet.

APPENDIX A – Debt Collection Letter Packet: Final Version

Final Debt Collection Letter Packet, English

Debt Collection Lawsuit Notice

from [Court Name]

Dear [Name of defendant]:

You have been sued to collect a debt: [name of plaintiff] says you owe them [amount of debt].

You should have a copy of the lawsuit papers. They may have been given to someone where you live, or they may have come in the mail in the past week or so.

The lawsuit papers include a *petition* from the person or business suing you and a *citation* from this court. The papers explain who is suing you and how much they say you owe, and they tell you the specific court where you are being sued. Contact this court if you do not have the lawsuit papers.

File an answer. This letter includes an **Answer Form** and instructions to fill it out and file it with the court. It is important to respond in writing to the lawsuit **no later than 14 days after the date of service**, which is the date that the lawsuit papers are delivered to you. It is a good idea to respond, even if more than 14 days have passed.

If you do not respond, you will probably lose this case. If you lose, the person suing you will get a judgment against you, which means:

- The person suing you can use the judgment to take money from your bank account without warning and may be able to take some of your property to pay off the debt.
- The judgment could make it hard for you to get a loan in the future.

Get Help

You may want to speak with a lawyer.

Tips to access free and low-cost legal services and information are available online at: [TexasLawHelp.org](https://www.texaslawhelp.org) or [txcourts.gov/programs-services/legal-aid](https://www.txcourts.gov/programs-services/legal-aid)

To reach the State Bar Lawyer Referral Service, call: (800) 252-9690. Tell them that you need a collection defense lawyer, or a consumer lawyer.

The Legal Aid office serving this county is: [intake phone number of local legal aid].

You could also consult the Texas Rules of Civil Procedure, Part V, Rules of Practice in Justice Courts. They are available at: <https://www.txcourts.gov/> or at the Justice Court.

Your case number:
[Case number]

Case caption:
[Case caption: plaintiff v. defendant]

Date: [Date letter was sent]

Plaintiff and Plaintiff's attorney:
Plaintiff: [Name of Plaintiff]
Attorney: [Attorney Name]
[Mailing Address]
[City], [State] [Zip Code]
[Phone Number]

Court:
[Name of Court]
[Court Street address]
[City], TX [Zip Code]
[Court Phone Number]

Clerk:
[clerk's signature]

If you have any questions, please contact the court clerk: Monday-Friday between 9 a.m. and 5 p.m., at [insert court phone number].

This is an important notice from the court. Please read it carefully.

Instructions

- 1. Read the lawsuit papers** (citation and petition) that were delivered to you to learn:
 - Who is suing you
 - How much they say you owe them
 - Where they are suing you – which court in which county
 - How to contact the person suing you or their attorney
- 2. Get any information you have about the debt.** This includes things like: credit card statements, bills, receipts, invoices, letters, or any proof you might have that you don't owe the debt or other defenses that may apply to you. You can refer to TexasLawHelp.org or see the enclosed Answer Form for common defenses. In the lawsuit papers, you are the Defendant. The person suing you is the Plaintiff. You may not recognize the name of the Plaintiff. Often, debts are sold to companies called *debt buyers*. Debt buyers try to collect the debts they buy, and this is legal. Respond to the lawsuit even if you do not recognize the name of the company suing you.
- 3. Fill out the Answer Form.** Some tips for how to fill out the form:
 - Top of the Answer Form: if it is not already filled out, write the name of the Plaintiff (who is suing you) and Defendant (You) just as they appear in the citation you received in the lawsuit papers.
 - Section 1: Put your name in the space after "My name is".
 - Section 2: You can fill out the Additional Defenses section by checking boxes that apply to you. You do not need to fill out this section if none of the boxes apply. You must answer truthfully. You can also share more information in the lines provided at the end of Section 2.
 - Even if you owe the debt, you may not have to pay if your income is protected. In the form, there is space to list why your income might be protected. Some examples of protected income are: money from Social Security or other retirement funds, veterans benefits, child support, disability income, unemployment benefits, or FEMA benefits.
 - Sign the Answer Form in the space marked "Your Signature," and print your name and the date.
 - Under your signature, write your mailing address, your phone number, and, if you use email and check it daily, your email address.
 - Fill out the "Certificate of Service" on the last page of the Answer Form. Put in the date for *when* you will deliver a copy to the Plaintiff and check the box showing *how* you will deliver a copy of the form to the Plaintiff.
 - After you fill out and sign the form, **make copies** for yourself and each Plaintiff.
- 4. File the form with the court where you have been sued.**

Take the form to the court or mail it to the court address in the lawsuit papers. It is best to take the completed form to the court to file it quickly or call the court and ask if you can file it online (e-file).

Then mail a copy of the form by first-class mail to the Plaintiff's attorney if one is listed on the lawsuit papers. If no attorney is listed, mail it to the Plaintiff at the address they put in the lawsuit *petition* that was delivered to you. If the Plaintiff agreed to receive service by email, you may send it to the email address listed in the *petition*.

Send a copy of the form to the plaintiff on the date you write on the "Certificate of Service." This should be the same date you file the form with the court.

You should respond within **14 days** from the date of service, which is the day you get the lawsuit papers. It is a good idea to respond even if you think you missed the deadline. You can use the Answer Form included with these instructions or use another form of your choosing to respond.

If you have a lawyer, contact your lawyer before you take any further steps.

What Happens Next

After the court gets your Answer Form, the court will mail you the time and date to come to court for a **hearing**.

Make sure to go to the hearing. **If you do not show up, the court will probably rule against you and you will lose.** You can show up with or without a lawyer.

At the hearing, bring information, documents, and witnesses that support your side. This includes things like: credit card statements, bills, receipts, invoices, letters, or any proof you might have that you don't owe the debt.

If you have protected income—for example money from Social Security, retirement, veteran's benefits, child support, or unemployment—bring proof.

Answer Form to Respond to a Debt Collection Lawsuit

CAUSE NO. _____

PLAINTIFF	§	IN THE JUSTICE COURT
	§	PRECINCT NO. _____
	§	PLACE NO. _____
v.	§	
DEFENDANT	§	_____ COUNTY, TEXAS
	§	

DEFENDANT'S ANSWER - DEBT CLAIM CASE

1. General Denial: My name is _____.
I generally deny the allegations that Plaintiff has made and demand that all allegations be proven.

2. Additional Defenses:
I understand that I do not need to provide any information other than my name in the above General Denial section, but I would like to provide more information to the court.

The following defenses apply to this debt claim case [Check **only** the boxes that apply to your situation. If you would like to raise other issues not included here, you can write them in the lines below this section]:

<input type="checkbox"/> The Plaintiff is not the original owner of the debt and may not be able to prove ownership of the debt. <input type="checkbox"/> I already paid this debt in full or settled it with the original creditor or someone who bought the debt. <input type="checkbox"/> The account is not my account. I am not the person who took out this debt or I am not the person who made the charges to the account. <input type="checkbox"/> I am a victim of identity theft and I did not create this debt. <input type="checkbox"/> After taking my property securing this loan, the creditor or its representative did not give me proper notice of the sale of my property. (<i>You should have received a notice before sale.</i>) <input type="checkbox"/> After taking my property, the creditor did not sell the property in a "commercially reasonable" manner. (<i>The creditor is required to sell the property in a way that raises the most money and lowers your possible debt.</i>)	<input type="checkbox"/> This debt was discharged in bankruptcy or is part of a current bankruptcy case. <i>My bankruptcy case number is:</i> _____ <input type="checkbox"/> The statute of limitations on the debt has expired. (<i>The statute of limitations is generally four years from the date your account went into default—after you stopped paying.</i>) <input type="checkbox"/> I have already been sued on this debt and a court made a decision about this debt in a judgment or case dismissal. <input type="checkbox"/> This debt was resolved in arbitration. <input type="checkbox"/> I bought a credit protection plan to cancel or make payments on this debt if I became disabled or lost my job. I became disabled, lost my job, or both, and I notified the creditor or collector about my situation.
--	--

If there are other defenses that you may have, you can list them here. You can also use this space to let the court know if your income is protected from debt collection.

Examples of protected income: retirement income like Social Security, a pension, or a 401(k), Railroad Retirement benefits, veterans' benefits, Supplemental Security Income, disability income, spousal and child support, unemployment benefits, workers' compensation, and public benefits like FEMA benefits or TANF.

Attach sheets of paper to this form if you need more space.

3. VENUE: Check this box only if the following statement applies to you:

I do not live in the county or precinct of the court where I have been sued. I ask that this case be transferred to the correct court.

4. JURY REQUEST: Choose one:

I request a jury trial. (The fee is \$22 and must be paid at least 14 days before trial. There is no fee if you file a *Statement of Inability to Afford Payment of Court Cost* form with the court. This form can be found at the court or online.

I do not request a jury at this time.

5. RELIEF REQUESTED:

I reserve the right to file an Amended Answer with the court to plead other defenses after further investigation and discovery.

I request that the court enter judgment for me, the Defendant, award me my costs, and for any other relief to which I am entitled.

Respectfully submitted,

Your signature

Printed name

Address: _____

Telephone _____

Email: _____

(fill this out only if you have an email that you check daily)

CERTIFICATE OF SERVICE

I certify that a copy of this answer was sent to the Plaintiff's attorney (or the Plaintiff if they are not represented by an attorney) on (write the date in the blank) _____ in compliance with Texas Rule of Civil Procedure 501.4 by:

Personal delivery to this address:

Mail to this address:

Fax to this number:

Email (*only allowed if Plaintiff provided an email address in their petition and agreed to receive service by email*) to this email address:

Another method approved by the court:

Your Signature

Final Debt Collection Letter Packet, Spanish

Aviso de Cobro de Deudas

de [Nombre del Tribunal]

Estimado/a [*nombre del demandado*]:

Ha sido demandado para cobrar una deuda: [nombre del demandante] dice que le debe [cantidad de la deuda].

Debe tener una copia de los documentos de la demanda. Es posible que se los hayan entregado a alguien en el lugar donde vive, o que hayan llegado por correo durante la última semana aproximadamente.

Los documentos de la demanda incluyen una *solicitud* de la persona o empresa que le está demandando y una *citación* de este tribunal. Los documentos explican quién lo está demandando y cuánto dicen que debe, y le dicen el tribunal específico donde lo están demandando. Comuníquese con este tribunal si no tiene los documentos de la demanda.

Presente una contestación. Esta carta incluye un **Formulario de Contestación** e instrucciones para completarlo y presentarlo ante el tribunal. Es importante responder por escrito a la demanda a más tardar 14 días después de la fecha de notificación, que es la fecha en que se le entregan los documentos de la demanda. Es una buena idea responder, incluso si han pasado más de 14 días.

Si no responde, probablemente perderá este caso. Si pierde, la persona que lo demanda obtendrá una sentencia en su contra, lo que significa:

- La persona que lo está demandando puede usar el fallo para tomar dinero de su cuenta bancaria sin previo aviso y puede tomar parte de su propiedad para pagar la deuda.
- La sentencia podría dificultar la obtención de un préstamo en el futuro.

Consiga Ayuda

Debería hablar con un abogado.

Consejos para acceder a información y servicios legales gratuitos y de bajo costo están disponibles en línea en: TexasLawHelp.org o txcourts.gov/programs-services/legal-aid

Para comunicarse con el Servicio de Referencia de Abogados del Colegio de Abogados del Estado, llame al: (800) 252-9690. Dígalos que necesita un abogado defensor de cobro o un abogado de consumidores.

La oficina de Asistencia Legal que atiende a este condado es: [número de teléfono de admisión de la asistencia legal local].

También puede consultar las Reglas de Procedimiento Civil de Texas, Parte V, Reglas de Práctica en los Tribunales de Justicia. Están disponibles en: <https://www.txcourts.gov/> o en el tribunal de justicia.

Su número de caso:

[número de caso]

Nombre del caso:

[Nombre del caso: demandante vs. demandado]

Fecha: [Fecha en que se envió la carta]

Demandante o Abogado del Demandante:

Demandante:

[Nombre del demandante]

Abogado: [Nombre del abogado]

[Dirección de Calle]

[Ciudad], [Estado] [Código Postal]

[Número de Teléfono del Abogado]

Tribunal:

[Nombre del Tribunal]

[Dirección de la calle del Tribunal]

[Ciudad], TX [Código Postal]

[Número de Teléfono del Tribunal]

Secretario Judicial:

[firma del secretario]

Si tiene alguna pregunta, comuníquese con el secretario judicial: de lunes a viernes, de 9 a. m. a 5 p. m., al [*inserte el número de teléfono de la corte*].

Este es un aviso importante de la corte. Por favor, léalo detenidamente.

Instrucciones

1. Lea los papeles de la demanda (citación y solicitud) que fueron entregados a usted para aprender:

- Quién lo está demandando
- Cuánto dicen que les debe
- Dónde lo están demandando, en qué tribunal de qué condado
- Cómo contactar a la persona que lo está demandando o a su abogado

2. Obtenga cualquier información que tenga sobre la deuda. Esto incluye cosas como: extractos de tarjetas de crédito, cuentas, recibos, facturas, cartas o cualquier prueba que pueda tener de que no debe la deuda u otras defensas que puedan aplicarse a usted. Puede consultar TexasLawHelp.org o ver el formulario de contestación adjunto para las defensas comunes. En los documentos de la demanda, usted es el Demandado. La persona que lo está demandando es el Demandante. Es posible que no reconozca el nombre del Demandante. A menudo, las deudas se venden a empresas denominadas *compradores de deudas*. Los compradores de deudas tratan de cobrar las deudas que compran, y esto es legal. Responda a la demanda, aunque no reconozca el nombre de la empresa que lo está demandando.

3. Complete el Formulario de Contestación. Algunos consejos sobre cómo llenar el formulario:

- Parte superior del Formulario de Contestación: si aún no lo ha completado, escriba el nombre del demandante (que lo está demandando) y del demandado (usted) tal como aparecen en la citación que recibió en los documentos de la demanda.
- Sección 1: Pon tu nombre en el espacio después de "Mi nombre es".
- Sección 2: Puede completar la sección Defensas Adicionales marcando las casillas que correspondan a su caso. No es necesario llenar esta sección si no corresponde ninguna de las casillas. Debe responder con la verdad. También puede compartir más información en las líneas provistas al final de la Sección 2.
- Incluso si debe la deuda, es posible que no tenga que pagar si sus ingresos están protegidos. En el formulario, hay espacio para indicar por qué sus ingresos podrían estar protegidos. Algunos ejemplos de ingresos protegidos son: dinero del Seguro Social y otros fondos de jubilación, beneficios de veteranos, pensión alimenticia, ingresos por discapacidad, beneficios de desempleo o beneficios de FEMA.
- Firme el Formulario de Contestación en el espacio marcado como "Su firma" y escriba su nombre y la fecha en letra de imprenta.
- Debajo de su firma, escriba su dirección postal, su número de teléfono y, si usa el correo electrónico y lo revisa a diario, su dirección de correo electrónico.
- Complete el "Certificado de entrega" en la última página del Formulario de Contestación. Escriba la fecha en la que entregará una copia al Demandante y marque la casilla que muestra cómo entregará una copia del formulario al Demandante.
- Después de completar y firmar el formulario, **haga copias** para usted y para cada Demandante.

4. Presente el formulario en el tribunal donde lo han demandado.

Lleve el formulario a la corte o envíelo por correo a la dirección de la corte que se encuentra en los documentos de la demanda. Lo mejor es llevar el formulario completo a la corte para presentarlo rápidamente o llamar a la corte y preguntar si puede presentarlo en línea (e-file).

Luego, envíe una copia del formulario por correo de primera clase al abogado del Demandante si figura uno en los documentos de la demanda. Si no aparece ningún abogado, envíelo por correo al Demandante a la dirección que indicó en la petición de demanda que le fue entregada. Si el Demandante aceptó recibir el servicio por correo electrónico, puede enviarlo a la dirección de correo electrónico que figura en la *petición*.

Envíe una copia del formulario al demandante en la fecha que escriba en el "Certificado de Entrega". Esta debe ser la misma fecha en que presente el formulario ante el tribunal.

Debe responder dentro de los **14 días** a partir de la fecha de notificación, que es el día en que recibe los documentos de la demanda. Es una buena idea responder incluso si cree que no cumplió con la fecha límite. Puede usar el formulario de contestación incluido con estas instrucciones o usar otro formulario de su elección para responder.

Si tiene un abogado, comuníquese con su abogado antes de tomar cualquier otro paso.

Que Pasa Después

Después de que la corte reciba su Formulario de Contestación, la corte le enviará por correo la hora y la fecha para presentarse en la corte para una **audiencia judicial**.

Asegúrese de ir a la audiencia judicial. **Si no se presenta, la corte probablemente fallará en su contra y perderá.** Puede presentarse con o sin un abogado.

En la audiencia, traiga información, documentos y testigos que respalden su posición. Esto incluye cosas como: extractos de tarjetas de crédito, facturas, recibos, facturas, cartas o cualquier prueba que pueda tener de que no debe la deuda.

Si tiene ingresos protegidos, por ejemplo, dinero del Seguro Social, jubilación, beneficios de veteranos, manutención de niños o desempleo, traiga prueba.

Formulario de Contestación para responder a una demanda de cobro de deudas

NÚM. DE CASO. _____

_____	§	EN EL TRIBUNAL DE JUSTICIA
DEMANDANTE	§	PRECINTO NÚM. _____
	§	NÚM. DE LUGAR. _____
contra.	§	
_____	§	_____ CONDADO, TEXAS
DEMANDADO	§	

CONTESTACIÓN DEL DEMANDADO - CASO DE RECLAMO DE DEUDA

1. **Negación general:** Mi nombre es _____. Generalmente niego las alegaciones que ha hecho el Demandante y exijo que se prueben todas las alegaciones.

2. **Defensas Adicionales:**
Entiendo que no necesito proporcionar ninguna información además de mi nombre en la sección de Negación general anterior, pero me gustaría proporcionar más información a la corte.

Las siguientes defensas se aplican a este caso de reclamación de deuda [Marque solo las casillas que correspondan a su situación. Si desea plantear otros temas no incluidos aquí, puede escribirlos en las líneas debajo de esta sección]:

<input type="checkbox"/> El Demandante no es el propietario original de la deuda y es posible que no pueda probar la propiedad de la deuda. <input type="checkbox"/> Ya pagué esta deuda en su totalidad o la liquidé con el acreedor original o alguien que compró la deuda. <input type="checkbox"/> La cuenta no es mi cuenta. No soy la persona que sacó esta deuda o no soy la persona que hizo los cargos a la cuenta. <input type="checkbox"/> Soy víctima de robo de identidad y no creé esta deuda. <input type="checkbox"/> Después de tomar mi propiedad como garantía de este préstamo, el acreedor o su representante no me dieron aviso adecuado de la venta de mi propiedad. <i>(Debería haber recibido un aviso antes de la venta).</i> <input type="checkbox"/> Después de tomar mi propiedad, el acreedor no vendió la propiedad de una manera "comercialmente razonable". <i>(Se requiere que el acreedor venda la propiedad de manera que recaude la mayor cantidad de dinero y reduzca su posible deuda).</i>	<input type="checkbox"/> Esta deuda se canceló en la quiebra o es parte de un caso de quiebra actual. <i>Mi número de caso de bancarrota es:</i> _____ <input type="checkbox"/> El plazo de prescripción de la deuda ha expirado. <i>(El estatuto de limitaciones generalmente es de cuatro años a partir de la fecha en que su cuenta entró en incumplimiento, después de que dejó de pagar)</i> <input type="checkbox"/> Ya he sido demandado por esta deuda y un tribunal tomó una decisión sobre esta deuda en un fallo o desestimación del caso. <input type="checkbox"/> Esta deuda fue resuelta en arbitraje. <input type="checkbox"/> Compré un plan de protección de crédito para cancelar o hacer pagos de esta deuda si quedara discapacitado o perdiera mi trabajo. Quedé discapacitado, perdí mi trabajo, o ambos, y notifiqué al acreedor o al cobrador sobre mi situación.
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Si hay otras defensas que pueda tener, puede enumerarlas aquí. También puede usar este espacio para informarle al tribunal si sus ingresos están protegidos contra el cobro de deudas.

Ejemplos de ingresos protegidos: ingresos de jubilación como el Seguro Social, una pensión o un 401(k), beneficios de jubilación ferroviaria, beneficios de veteranos, Seguridad de Ingreso Suplementario, ingresos por discapacidad, manutención del cónyuge y de los hijos, beneficios de desempleo, compensación de trabajadores y beneficios públicos. beneficios como los beneficios de FEMA o TANF.

Adjunte hojas de papel a este formulario si necesita más espacio.

3. LUGAR DE EVENTOS: *Marque esta casilla solo si la siguiente declaración se aplica a usted:*

No vivo en el condado o precinto de la corte donde he sido demandado. Pido que este caso sea transferido a la corte correcta.

4. SOLICITUD DE JURADO: *Elige uno:*

Solicito un juicio con jurado. (La tarifa es de \$22 y debe pagarse al menos 14 días antes del juicio. No hay tarifa si presenta un formulario de Declaración de Incapacidad para pagar los costos judiciales ante la corte. Este formulario se puede encontrar en la corte o en línea.

No solicito un jurado en este momento.

5. ALIVIO SOLICITADO:

Yo reservo el derecho de presentar una Contestación Enmendada ante el tribunal para alegar otras defensas después de una mayor investigación y descubrimiento.

Solicito que el tribunal dicte sentencia en mi nombre, el demandado, me otorgue mis costos y cualquier otra reparación a la que tenga derecho.

Respetuosamente sometido,

Su firma

Nombre Escrito

Dirección: _____

Teléfono: _____

Correo electrónico: _____

(complete esto solo si tiene un correo electrónico que revisa diariamente)

CERTIFICADO DE SERVICIO

Certifico que se envió una copia de esta contestación al abogado del Demandante (o al Demandante si no está representado por un abogado) el (escriba la fecha en el espacio en blanco) _____ de conformidad con la Regla de Procedimiento Civil de Texas 501.4 por:

Entrega personal a esta dirección:

Correo a esta dirección:

Fax a este número:

Correo electrónico (*solo permitido si el Demandante proporcionó una dirección de correo electrónico en su petición y aceptó recibir el servicio por correo electrónico*) a esta dirección de correo electrónico:

Otro método aprobado por el tribunal:

Su firma

[Traducido por Tere Aguayo y revisado por Papi Salgado de COMAL LJC, una colectiva de justicia de lenguaje]

APPENDIX B - Debt Collection Letter Packet: Improvements Based on Study Findings

Debt Collection Letter Packet Initial Version With Tracked Changes, English

Debt Collection Lawsuit Notice from [Court Name]

Dear [Name of defendant]:

You have been sued to collect a debt: [name of plaintiff] says you owe them [amount of debt].

You should have a copy of the lawsuit papers. They may have been given to someone where you live, or they may have come in the mail in the past week or so.

The lawsuit papers include a *petition* from the person or business suing you and a *citation* from this court. The papers explain who is suing you and how much they say you owe, and they tell you the specific court where you are being sued. Contact this court if you do not have the lawsuit papers.

File an answer. This letter includes an Answer Form and instructions to fill it out and file it with the court. It is important to respond in writing to the lawsuit **no later than 14 days after you get the lawsuit papers the date of service, which is the date that the lawsuit papers are delivered to you.** It is a good idea to respond, even if **you think you might be late more than 14 days have passed.**

If you do not respond, you will probably lose this case. If you lose, the person suing you will get a judgment against you, which means:

- The person suing you can use the judgment to take money from your bank account without warning and may be able to take some of your property to pay off the debt.
- The judgment could make it hard for you to get a loan in the future.

Get Help

You may want to speak with a lawyer.

Tips to access free and low-cost legal services and information are available online at: [TexasLawHelp.org](https://www.texaslawhelp.org) or [txcourts.gov/programs-services/legal-aid](https://www.txcourts.gov/programs-services/legal-aid)

To reach the State Bar Lawyer Referral Service, call: (800) 252-9690. Tell them that you need a collection defense lawyer, or a consumer lawyer.

The Legal Aid office serving this county is: [intake phone number of local legal aid].

You could also consult the Texas Rules of Civil Procedure, Part V, Rules of Practice in Justice Courts. They are available at: <https://www.txcourts.gov/> or at the Justice Court.

Your case number:
[Case number]

Case caption:
[Case caption: plaintiff v.
defendant]

Date: [Date letter was sent]

Plaintiff ~~or~~ and Plaintiff's
attorney:
Plaintiff: [Name of Plaintiff]
Attorney: [Attorney
Name][Name of plaintiff atty]
[Mailing Address address]
[City], [State]TX [Zip Code]
[Atty-Phone Number]

Court:
[Name of Court]
[Court Street address]
[City], TX [Zip Code]
[Court Phone Number]

Clerk:
[clerk's signature]

If you have any questions,
please contact the court
clerk: Monday-Friday
between 9 a.m. and 5 p.m.,
at [insert court phone
number].

This is an important notice from the court. Please read it carefully.

Instructions

1. Read the lawsuit papers (citation and petition) that were delivered to you to learn:

- Who is suing you
- How much they say you owe them
- Where they are suing you – which court in which county
- How to contact the person suing you or their attorney

2. Get any information you have about the debt. This includes things like: credit card statements, bills, receipts, invoices, letters, or any proof you might have that you don't owe the debt or other defenses that may apply to you. You can refer to TexasLawHelp.org or see the enclosed [Answer Form for common defenses](#). In the lawsuit papers, you are the Defendant. The person suing you is the Plaintiff. You may not recognize the name of the Plaintiff. Often, debts are sold to companies called *debt buyers*. Debt buyers try to collect the debts they buy, and this is legal. Respond to the lawsuit even if you do not recognize the name of the company suing you.

3. Fill out the Answer Form. Some tips for how to fill out the form:

- Top of the Answer Form: if it is not already filled out, write the name of the Plaintiff (who is suing you) and Defendant (You) just as they appear in the citation you received in the lawsuit papers.
- Section 1: Put your name in the space after "My name is".
- Section 2: You can fill out the Additional Defenses section by checking boxes that apply to you. You do not need to fill out this section if none of the boxes apply. You must answer truthfully. You can also share more information in the lines provided at the end of Section 2.
- Even if you owe the debt, you may not have to pay if your income is protected. In the form, there is space to list why your income might be protected. Some examples of protected income are: money from Social Security or other retirement funds, veterans benefits, child support, disability income, unemployment benefits, or FEMA benefits.
- Sign the Answer Form in the space marked "Your Signature," and print your name and the date.
- Under your signature, write your mailing address, your phone number, and, if you use email and check it daily, your email address.
- Fill out the "Certificate of Service" on the last page of the Answer Form. Put in the date for *when* you will deliver a copy to the Plaintiff and check the box showing *how* you will deliver a copy of the form to the Plaintiff.
- After you fill out and sign the form, **make copies** for yourself and each Plaintiff.

4. File the form with the court where you have been sued.

Take the form to the court or mail it to the court address in the lawsuit papers. It is best to take the completed form to the court to file it quickly or call the court and ask if you can file it online (e-file).

Then mail a copy of the form by first-class mail to the Plaintiff's attorney if one is listed on the lawsuit papers. If no attorney is listed, mail it to the Plaintiff at the address they put in the lawsuit *petition* that was delivered to you. If the Plaintiff agreed to receive service by email, you may send it to the email address listed in the *petition*.

Send a copy of the form to the plaintiff on the date you write on the "Certificate of Service." This should be the same date you file the form with the court.

You should respond within **14 days** from the day you get the lawsuit papers date of service, which is the day you get the lawsuit papers. It is a good idea to respond even if you think you missed the deadline. You can use the [Answer Form](#) included with these instructions or use another form of your choosing to respond.

If you have a lawyer, contact your lawyer before you take any further steps.

What Happens Next

After the court gets your Answer Form, the court will mail you the time and date to come to court for a hearing.

Make sure to go to the hearing. **If you do not show up, the court will probably rule against you and you will lose.** You can show up with or without a lawyer.

At the hearing, bring information, documents, and witnesses that support your side. This includes things like: credit card statements, bills, receipts, invoices, letters, or any proof you might have that you don't owe the debt.

If you have protected income—for example money from Social Security, retirement, veteran's benefits, child support, or unemployment—bring proof.

Answer Form to Respond to a Debt Collection Lawsuit

CAUSE NO. _____

PLAINTIFF

10/10/10 10/10/10 10/10/10 10/10/10 10/10/10 10/10/10 10/10/10 10/10/10 10/10/10 10/10/10

IN THE JUSTICE COURT
PRECINCT NO. _____
PLACE NO. _____

v.

DEFENDANT

_____ COUNTY, TEXAS

DEFENDANT'S ANSWER - DEBT CLAIM CASE

1. **General Denial:** My name is _____
I generally deny the allegations that Plaintiff has made and demand that all allegations be proven.

2. **Additional Defenses:**
I understand that I do not need to provide any information other than my name in the above General Denial section, but I would like to provide more information to the court.

~~I do not owe this debt because~~ **The following defenses apply to this debt claim case** [Check only the boxes that apply to your situation. If you would like to raise other issues not included here, you can write them in the lines below this section]:

<p><input type="checkbox"/> The Plaintiff is not the original owner of the debt and may not be able to prove ownership of the debt.</p> <p><input type="checkbox"/> I already paid this debt in full or settled it with the original creditor or someone who bought the debt.</p> <p><input type="checkbox"/> The account is not my account. I am not the person who took out this debt or I am not the person who made the charges to the account.</p> <p><input type="checkbox"/> I am a victim of identity theft and I did not create this debt.</p> <p><input type="checkbox"/> After taking my property securing this loan, the creditor or its representative did not give me proper notice of the sale of my property. (You should have received a notice before sale.)</p> <p><input type="checkbox"/> After taking my property, the creditor did not sell the property in a "commercially reasonable" manner. (The creditor is required to sell the property in a way to that raises the most money and lowers your possible debt.)</p>	<p><input type="checkbox"/> This debt was discharged in bankruptcy or is part of a current bankruptcy case. My bankruptcy case number is: _____</p> <p><input type="checkbox"/> The statute of limitations on the debt has expired. (The statute of limitations is generally four years from the date your account went into default—after you stopped paying.)</p> <p><input type="checkbox"/> I have already been sued on this debt and a court made a decision about this debt in a judgment or case dismissal.</p> <p><input type="checkbox"/> This debt was resolved in arbitration.</p> <p><input type="checkbox"/> I bought a credit protection plan to cancel or make payments on this debt if I became disabled or lost my job. I became disabled, lost my job, or both, and I notified the creditor or collector about my situation.</p>
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If there are other ~~reasons you do not owe this debt~~ defenses that you may have, you may can list them here. You can also use this space to let the court know if your income is protected from debt collection.

Examples of protected income: retirement income like Social Security, a pension, or a 401(k), Railroad Retirement benefits, veterans' benefits, Supplemental Security Income, disability income, spousal and child support, unemployment benefits, workers' compensation, and public benefits like FEMA benefits or TANF.

Attach sheets of paper to this form if you need more space.

3. **VENUE:** Check this box only if the following statement applies to you:

- I do not live in the county or precinct of the court where I have been sued. I ask that this case be transferred to the correct court.

4. **JURY REQUEST:** Choose one:

- I request a jury trial. (The fee is \$22 and must be paid at least 14 days before trial. There is no fee if you file a *Statement of Inability to Afford Payment of Court Cost* form with the court. This form can be found at the court or online.)
- I do not request a jury at this time.

5. **RELIEF REQUESTED:**

I reserve the right to file an Amended Answer with the court to plead other defenses after further investigation and discovery.

I request that the court enter judgment for me, the Defendant, award me my costs, and for any other relief to which I am entitled.

Respectfully submitted,

Your signature

Printed name

Address: _____

Telephone _____

Email: _____

(fill this out only if you have an email that you check daily)

CERTIFICATE OF SERVICE

I certify that a copy of this answer was sent to the Plaintiff's attorney (or the Plaintiff if they are not represented by an attorney) on (write the date in the blank) _____ in compliance with Texas Rule of Civil Procedure 501.4 by:

Personal delivery to this address:

Mail to this address:

Fax to this number:

Email (*only allowed if Plaintiff provided an email address in their petition and agreed to receive service by email*) to this email address:

Another method approved by the court:

Your Signature

Debt Collection Letter Packet Initial Version With Tracked Changes, Spanish

Aviso de Cobro de Deudas

de [Nombre del Tribunal]

Estimado/a [nombre del demandado]:

Ha sido demandado para cobrar una deuda: [nombre del demandante] dice que le debe [cantidad de la deuda].

Debe tener una copia de los documentos de la demanda. Es posible que se los hayan entregado a alguien en el lugar donde vive, o que hayan llegado por correo durante la última semana ~~más~~ ~~o~~ ~~menos~~ aproximadamente.

Los documentos de la demanda incluyen una *solicitud* de la persona o empresa que le está demandando y una *citación* de este tribunal. Los documentos explican quién lo está demandando y cuánto dicen que debe, y le dicen el tribunal específico donde lo están demandando. Comuníquese con este tribunal si no tiene los documentos de la demanda.

Presente una contestación. Esta carta incluye un **Formulario de Contestación** ey instrucciones para completarlo y presentarlo ante el tribunal. Es importante responder por escrito a la demanda a más tardar 14 días después de recibir la fecha de notificación, que es la fecha en que se le entregan los documentos de la demanda. Es una buena idea responder, incluso si cree que puede llegar tarde han pasado más de 14 días.

Si no responde, probablemente perderá este caso. Si pierde, la persona que lo demanda obtendrá una sentencia en su contra, lo que significa:

- La persona que lo está demandando puede usar el fallo para tomar dinero de su cuenta bancaria sin previo aviso y puede tomar parte de su propiedad para pagar la deuda.
- La sentencia podría dificultar la obtención de un préstamo en el futuro.

Consigue Ayuda

Deberías hablar con un abogado.

Consejos para acceder a información y servicios legales gratuitos y de bajo costo están disponibles en línea en: TexasLawHelp.org o txcourts.gov/programs-services/legal-aid

Para comunicarse con el Servicio de Referencia de Abogados del Colegio de Abogados del Estado, llame al: (800) 252-9690. Dígales que necesita un abogado defensor de cobro o un abogado de consumidores.

La oficina de Asistencia Legal que atiende a este condado es: [número de teléfono de admisión de la asistencia legal local].

También puede consultar las Reglas de Procedimiento Civil de Texas, Parte V, Reglas de Práctica en los Tribunales de Justicia. Están disponibles en: <https://www.txcourts.gov/> o en el tribunal de justicia.

Su número de caso:
[número de caso]

Nombre del cCaso:

[Nombre e del caso: demandante vs. demandado]

Fecha: [Fecha en que se envió la carta]

Demandante o Abogado del Demandante:

Demandante: [Nombre del abogado del demandante]

Abogado: [Nombre del abogado]

Dirección de Envío:

[Dirección de Calle]

[Ciudad], [Estado] TX [Código Postal]

[Número de Teléfono del Abogado]

Tribunal:

[Nombre del Tribunal]

[Dirección de la calle del Tribunal]

[Ciudad], TX [Código Postal]

[Número de Teléfono del Tribunal]

Secretario Judicial:

[firma del secretario]

Si tiene alguna pregunta, comuníquese con el secretario judicial:

de lunes a viernes, de 9 a. m. a 5 p. m., al [inserte el número de teléfono de la corte].

Este es un aviso importante de la corte. Por favor, léalo detenidamente.

Instrucciones

1. Lea los papeles de la demanda (citación y solicitud) que fueron entregados a usted para aprender:

- Quién lo está demandando
- Cuánto dicen que les debe
- Dónde lo están demandando, en qué tribunal de qué condado
- Cómo contactar a la persona que lo está demandando o a su abogado

2. Obtenga cualquier información que tenga sobre la deuda. Esto incluye cosas como: extractos de tarjetas de crédito, cuentas, recibos, facturas, cartas o cualquier prueba que pueda tener de que no debe la deuda u otras defensas que puedan aplicarse a usted. Puede consultar TexasLawHelp.org o ver el formulario de contestación adjunto para las defensas comunes. En los documentos de la demanda, usted es el Demandado. La persona que lo está demandando es el Demandante. Es posible que no reconozca el nombre del Demandante. A menudo, las deudas se venden a empresas denominadas *compradores de deudas*. Los compradores de deudas tratan de cobrar las deudas que compran, y esto es legal. Responda a la demanda, aunque no reconozca el nombre de la empresa que lo está demandando.

3. Complete el Formulario de Contestación. Algunos consejos sobre cómo llenar el formulario:

- Parte superior del Formulario de Contestación: si aún no lo ha completado, escriba el nombre del demandante (que lo está demandando) y del demandado (usted) tal como aparecen en la citación que recibió en los documentos de la demanda.
- Sección 1: Pon tu nombre en el espacio después de "Mi nombre es".
- Sección 2: Puede completar la sección Defensas Adicionales marcando las casillas que correspondan a su caso. No es necesario llenar que llene esta sección si no corresponde ninguna de las casillas. Debe responder con la verdad. También puede compartir más información en las líneas provistas al final de la Sección 2.
- Incluso si debe la deuda, es posible que no tenga que pagar si sus ingresos están protegidos. En el formulario, hay espacio para indicar por qué sus ingresos podrían estar protegidos. Algunos ejemplos de ingresos protegidos son: dinero del Seguro Social y otros fondos de jubilación, beneficios de veteranos, pensión alimenticia, ingresos por discapacidad, beneficios de desempleo o beneficios de FEMA.
- Firme el Formulario de Contestación en el espacio marcado como "Su firma" y escriba su nombre y la fecha en letra de imprenta.
- Debajo de su firma, escriba su dirección postal, su número de teléfono y, si usa el correo electrónico y lo revisa a diario, su dirección de correo electrónico.
- Complete el "Certificado de entrega" en la última página del Formulario de Contestación. Escriba la fecha en la que entregará una copia al Demandante y marque la casilla que muestra cómo entregará una copia del formulario al Demandante.
- Después de completar y firmar el formulario, **haga copias** para usted y para cada Demandante.

4. Presente el formulario en el tribunal donde lo han demandado.

Lleve el formulario a la corte o envíelo por correo a la dirección de la corte que se encuentra en los documentos de la demanda. Lo mejor es llevar el formulario completo a la corte para presentarlo rápidamente o llamar a la corte y preguntar si puede presentarlo en línea (e-file).

Luego, envíe una copia del formulario por correo de primera clase al abogado del Demandante si figura uno en los documentos de la demanda. Si no aparece ningún abogado, envíelo por correo al Demandante a la dirección que indicó en la petición de demanda que le fue entregada. Si el Demandante aceptó recibir el servicio por correo electrónico, puede enviarlo a la dirección de correo electrónico que figura en la *petición*.

Envíe una copia del formulario al demandante en la fecha que escriba en el "Certificado de Entrega". Esta debe ser la misma fecha en que presente el formulario ante el tribunal.

Debe responder dentro de los **14 días** a partir **del día en que** recibe los documentos de la demanda. Es una buena idea responder incluso si cree que no cumplió con la fecha límite. Puede usar el formulario de **contestación** incluido con estas instrucciones o usar otro formulario de su elección para responder.

Si tiene un abogado, comuníquese con su abogado antes de tomar cualquier otro paso.

Que Pasa Después

Después de que la corte reciba su Formulario de Contestación, la corte le enviará por correo la hora y la fecha para presentarse en la corte para una **audiencia judicial**.

Asegúrese de ir a la audiencia judicial. **Si no se presenta, la corte probablemente fallará en su contra y perderá.** Puede presentarse con o sin un abogado.

En la audiencia, traiga información, documentos y testigos que respalden su posición. Esto incluye cosas como: extractos de tarjetas de crédito, facturas, recibos, facturas, cartas o cualquier prueba que pueda tener de que no debe la deuda.

Si tiene ingresos protegidos, por ejemplo, dinero del Seguro Social, jubilación, beneficios de veteranos, manutención de niños o desempleo, traiga prueba.

Formulario de Contestación para responder a una demanda de cobro de deudas

NÚM. DE CASO. _____

DEMANDANTE

§
§
§
§
§
§
§

EN EL TRIBUNAL DE JUSTICIA
PRECINTO NÚM. _____
NÚM. DE LUGAR. _____

contra.

DEMANDADO

_____ CONDADO, TEXAS

CONTESTACIÓN DEL DEMANDADO - CASO DE RECLAMO DE DEUDA

1. **Negación general:** Mi nombre es _____. Generalmente niego las alegaciones que ha hecho el Demandante y exijo que se prueben todas las alegaciones.

2. **Defensas Adicionales:**

Entiendo que no necesito proporcionar ninguna información además de mi nombre en la sección de Negación general anterior, pero me gustaría proporcionar más información a la corte.

No No tengo esta deuda porque Las siguientes defensas se aplican a este caso de reclamación de deuda [Marque **solo** las casillas que correspondan a su situación. Si desea plantear otros temas no incluidos aquí, puede escribirlos en las líneas debajo de esta sección]:

<p><input type="checkbox"/> El Demandante no es el propietario original de la deuda y es posible que no pueda probar la propiedad de la deuda.</p> <p><input type="checkbox"/> Ya pagué esta deuda en su totalidad o la liquidé con el acreedor original o alguien que compró la deuda.</p> <p><input type="checkbox"/> La cuenta no es mi cuenta. No soy la persona que sacó esta deuda o no soy la persona que hizo los cargos a la cuenta.</p> <p><input type="checkbox"/> Soy víctima de robo de identidad y no creé esta deuda.</p> <p><input type="checkbox"/> Después de tomar mi propiedad como garantía de este préstamo, el acreedor o su representante no me dieron aviso adecuado de la venta de mi propiedad. <i>(Debería haber recibido un aviso antes de la venta).</i></p> <p><input type="checkbox"/> Después de tomar mi propiedad, el acreedor no vendió la propiedad de una manera "comercialmente razonable". <i>(Se requiere que el acreedor venda la propiedad de manera que recaude la mayor cantidad de dinero y reduzca su posible deuda).</i></p>	<p><input type="checkbox"/> Esta deuda se canceló en la quiebra o es parte de un caso de quiebra actual. <i>Mi número de caso de bancarrota es:</i> _____</p> <p><input type="checkbox"/> El plazo de prescripción de la deuda ha expirado. <i>(El estatuto de limitaciones generalmente es de cuatro años a partir de la fecha en que su cuenta entró en incumplimiento, después de que dejó de pagar).</i></p> <p><input type="checkbox"/> Ya he sido demandado por esta deuda y un tribunal tomó una decisión sobre esta deuda en un fallo o desestimación del caso.</p> <p><input type="checkbox"/> Esta deuda fue resuelta en arbitraje.</p> <p><input type="checkbox"/> Compré un plan de protección de crédito para cancelar o hacer pagos de esta deuda si quedara discapacitado o perdiera mi trabajo. Quedé discapacitado, perdí mi trabajo, o ambos, y notifiqué al acreedor o al cobrador sobre mi situación.</p>
--	---

Si hay otras ~~razones por las que no debe esta deuda~~ defensas que pueda tener, puede enumerarlas aquí. También puede usar este espacio para informarle al tribunal si sus ingresos están protegidos contra el cobro de deudas.

Ejemplos de ingresos protegidos: ingresos de jubilación como el Seguro Social, una pensión o un 401(k), beneficios de jubilación ferroviaria, beneficios de veteranos, Seguridad de Ingreso Suplementario, ingresos por discapacidad, manutención del cónyuge y de los hijos, beneficios de desempleo, compensación de trabajadores y beneficios públicos. beneficios como los beneficios de FEMA o TANF.

Adjunte hojas de papel a este formulario si necesita más espacio.

3. LUGAR DE EVENTOS: Marque esta casilla solo si la siguiente declaración se aplica a usted:

No vivo en el condado o precinto de la corte donde he sido demandado. Pido que este caso sea transferido a la corte correcta.

4. SOLICITUD DE JURADO: Elige uno:

Solicito un juicio con jurado. (La tarifa es de \$22 y debe pagarse al menos 14 días antes del juicio. No hay tarifa si presenta un formulario de Declaración de Incapacidad para pagar los costos judiciales ante la corte. Este formulario se puede encontrar en la corte o en línea.

No solicito un jurado en este momento.

5. ALIVIO SOLICITADO:

Yo reservo el derecho de presentar una Contestación Enmendada ante el tribunal para alegar otras defensas después de una mayor investigación y descubrimiento.

Solicito que el tribunal dicte sentencia en mi nombre, el demandado, me otorgue mis costos y cualquier otra reparación a la que tenga derecho.

Respetuosamente sometido,

Su firma

Nombre Escrito

Dirección: _____

Teléfono: _____

Correo electrónico: _____

(complete esto solo si tiene un correo electrónico que revisa diariamente)

CERTIFICADO DE SERVICIO

Certifico que se envió una copia de esta contestación al abogado del Demandante (o al Demandante si no está representado por un abogado) el (escriba la fecha en el espacio en blanco) _____ de conformidad con la Regla de Procedimiento Civil de Texas 501.4 por:

Entrega personal a esta dirección:

Correo a esta dirección:

Fax a este número:

Correo electrónico (*solo permitido si el Demandante proporcionó una dirección de correo electrónico en su petición y aceptó recibir el servicio por correo electrónico*) a esta dirección de correo electrónico:

Otro método aprobado por el tribunal:

Su firma

[Traducido por Tere Aguayo y revisado por Papi Salgado de COMAL LJC, una colectiva de justicia de lenguaje]

APPENDIX C – Study Methodology

Texas Appleseed developed a debt collection letter packet³⁶ in English and Spanish that includes a letter, an answer form, and instructions on how to fill out the answer form. These materials were developed with input from state and national experts with experience in consumer debt collection litigation and legal services to low-income communities. We used a mixed-methods approach of qualitative interviews and quantitative surveys to address the problem of this study, fulfill the purpose, and answer the following research questions:

- Research Question 1: Does the debt collection letter packet increase participants’ understanding of the debt collection lawsuit?
- Research Question 2: Are participants able to answer a debt collection lawsuit given a hypothetical scenario?

We tested the research questions by conducting a three phase semi-structured interview with 30 study participants. For Phase I, we tested participants’ understanding of the lawsuit after receiving a citation and petition, based on documents that are currently served on debt claim defendants. For Phase II, we tested participants’ understanding of the lawsuit after reviewing the proposed debt collection letter packet designed by Texas Appleseed. For Phase III, we instructed participants to write a written response to the lawsuit using the answer form included in the letter packet.

Prior to conducting the main study, we tested the structure, questions, and approach to the semi-structured interviews by conducting a pilot study with six non-attorneys recruited from Texas Appleseed staff and staff of partner organizations. We then adjusted the semi-structured interview design and began conducting the main study.

Setting and Instrumentation

Setting

All interviews were conducted in the State of Texas and ranged between 45 and 90 minutes. Twenty-one interviews were conducted in person and nine were conducted via Zoom. Two interviewers conducted the study. Participants signed a consent form to participate in the study and received a \$75 HEB gift card for their participation.

Instrumentation

We developed written survey questions and verbal interview questions. Interviews were conducted in three phases: review of the citation and petition, review of the debt collection letter packet, and filling out the answer form that was provided as part of the letter packet.

Phase I: Participants Receive the Citation and Petition

Participants were asked to review the citation and petition. We used two versions of these two documents — 50% of participants were given scenario 1, and 50% were given scenario 2. After review, we asked participants to fill out a written survey and answer verbal questions.

³⁶ Copies of the test debt collection letter packet can be found in Appendix E.

Phase II: Participants Receive the Debt Collection Letter Packet

Participants were asked to review the debt collection letter packet. They were then asked to fill out the written survey which included the same questions as Phase I to be used for a comparative analysis and address Research Question 1. The written survey also included questions specific to the debt collection letter packet to assess its efficacy and need for improvements. We then asked verbal questions to better gauge participant understanding of the lawsuit process.

Phase III: Participants Complete the Answer Form Included in the Letter Packet

In the last phase, participants were asked to fill out the answer form to address Research Question 2. Interviewers then asked participants final questions before wrapping up the interview.

Data Collection

Pilot Study

Texas Appleseed first tested study instruments by conducting a pilot study with six volunteer participants. We tested the logistics of the study including timing, question wording, and delivery by the interviewer.

Adjustments

We used feedback from participants in the pilot study to make adjustments to the written survey and verbal interview.

Adjustments made to the demographic and debt collection survey included:

- Added a question to collect income data
- Expanded a question about participants' work experiences in the areas of debt collection, consumer rights, banking, and the financial industry.

Adjustments made to the written survey questions included:

- Made minor language edits for clarity
- Condensed written questions
- Removed leading questions

Adjustments made to the verbal survey questions included:

- Added verbal questions to gauge participants' understanding of specific legal terms
- Added follow-up questions
- Removed leading questions
- Shortened the conversation following filling out the answer form

Main Study

After implementing these adjustments, we finalized the study instruments and prepared to conduct the main study.

Participant Recruitment

We partnered with two community nonprofit organizations located in Texas, Financial Health Pathways (FHP) and Family Eldercare (FE). We recruited fourteen participants from FHP and five from FE. We contacted individuals that previously reached out to Texas Appleseed for information regarding debt collection matters and successfully recruited two participants. The remaining nine participants were recruited through snowball sampling.

Demographics

Participants were asked to fill out a demographic questionnaire at the beginning of the interview. They were informed that this was optional. All participants answered, and results of the demographic questionnaire are summarized in the following tables.

Participant Demographics

Race

Asian	6.7%
Black/African American	13.3%
Hispanic	50%
White	26.7%
White and Other	3.3%

Gender Identity

Female	67%
Male	33%

Age

26-35	43.3%
36-45	20%
46-55	20%
56-65	3.3%
66-75	13.3%

Language Preference

English	68%
Spanish	32%

Highest Level of Education

Some College	13.3%
Bachelor's Degree	50%
Advanced Degree	36.7%

Income

\$32,000 or less	20%
\$32,001 – \$51,000	26.7%
\$51,001 – \$77,000	30%
Over \$77,000	23.3%

Qualitative Analysis

Interview Analysis

We used NVivo to conduct a thematic analysis of all verbal interviews in three steps. First, we open-coded the data, assigning a code to all text. Second, we nested the data under four categories: codes related to the citation and petition, codes related to the letter packet, codes related to the answer form, and packet feedback. Finally, we grouped codes under each category to determine themes that emerged from the data.

Quantitative Analysis

Survey Analysis

Pre-post Letter Packet Comparisons

In order to determine whether individuals had different responses after having reviewed the letter packet, a series of McNemar chi-square tests were conducted. McNemar chi-square tests were used because the study was a within-subjects design using frequencies. Responses to each question were coded for whether or not they were correct. For example, in response to the question “In what court was the lawsuit filed?”, we coded whether participants responded with the full and correct court information.

Scaled Questions

In order to determine whether there was a difference in Likert-scaled responses after reviewing the letter packet, paired Wilcoxon signed rank tests were conducted for the following:

1. It is important for this person sued to respond to this lawsuit.
2. How easy or difficult was it for you to answer these questions?

Paired Wilcoxon signed rank tests determine whether medians of paired samples (i.e., individuals before and after a treatment) differ. All analyses were conducted in R or Excel.

APPENDIX D – Data Analysis Detail

The following analysis provides the breakdown of responses before and after reviewing the letter packet. A series of McNemar chi-square tests were conducted in order to determine whether there were any significant changes in responses after reviewing the letter packet. There was no significant difference in responses after reviewing the letter packet for the following questions:

1. Who is suing, $X^2(1, N = 30) = 0.5, p = .48$,
2. Who is being sued, $X^2(1, N = 30) = 0, p = 1$,
3. How much is this person being sued for, $X^2(1, N = 30) = 0, p = 1$,
4. Does the person/company suing have a lawyer, $X^2(1, N = 30) = 1.3, p = 2.5$,
5. Do you know why the lawsuit was filed, $X^2(1, N = 30) = 0, p = 1$,
6. Do you know what the person being sued should do next: (a) file an answer, $X^2(1, N = 30) = 0, p = 1$, (b) hire an attorney, $X^2(1, N = 30) = 0, p = 1$, or (c) seek help, $X^2(1, N = 30) = 0.5, p = .48$,
7. When does the person being sued need to file an answer with the court: (a) within fourteen days, $X^2(1, N = 30) = 0, p = 1$, or (b) the specific date, $X^2(1, N = 30) = 0.8, p = .39$,
8. Who could the person being sued contact if they had questions: (a) an attorney, $X^2(1, N = 30) = 1.1, p = .29$, or (b) the plaintiff's attorney, $X^2(1, N = 30) = 2.5, p = .11$.

APPENDIX E – Study Materials

Survey Packet - English

Texas Appleseed Debt Collection Study Overview

Thank you for agreeing to participate in this study looking at ways to help people facing a debt collection lawsuit understand their rights and the legal process. Because people that are faced with a debt collection lawsuit may not have access to outside assistance or resources, there are limits to what we will be able to answer or explain throughout this interview process in order to replicate the most realistic experience that someone faced with a debt collection lawsuit will endure.

Important information:

Time: We expect the interview to take 1 to 2 hours. As there will be a lot of different information presented to you, we encourage taking breaks during the interview process.

Compensation: You will receive a \$75 HEB gift card for your time. If you're participating in person, you will receive your gift card immediately after the interview is over. If you're participating virtually, we will mail your gift card via USPS (with tracking) to you either immediately after the interview is over or the following business day.

Privacy Issues: We will record the interview but will not associate your name with your responses. All answers in the study will be anonymous and associated with a participant number, but not a specific name.

Use of Information: We will use the information collected through this study to improve the letter, instructions, and response form, and understand how helpful the information is to people who are sued. We will publish a study based on the outcome of the interviews.

Address: The address for Texas Appleseed is 1609 Shoal Creek Blvd., Suite 201, Austin, TX 78701. The office is located on the second floor of the building. There are two entrances to the building - one on the ground floor, and one up a steep, concrete driveway. Make sure to enter from the ground floor level. You can park anywhere on the street, walk through the front doors, and use either the elevator or stairs to go up to the second floor. The door says "Texas Appleseed" and you can walk right in.

Thank you again for your willingness to help! If you have any questions following your interview, please contact Briana Gordley at bgordley@texasappleseed.org or [REDACTED] or Jessi Stafford at jstafford@texasappleseed.org.

Participant Number:

Interviewer Name:

Date & Time:

Demographic & Debt Collection Survey

1. What is your gender identity?

Female Male Other _____ (Please Specify)

2. What is your age? _____

3. What is your preferred language? _____

4. How do you identify your race/ethnicity?

- Asian Native Hawaiian or Pacific Islander
 Black or African American White
 Latino or Hispanic Other: _____ (Please Specify)
 American Indian/Native American

5. What is the highest degree or level of education you have completed?

- High School Diploma or G.E.D. Advanced Degree
 Some College Law Degree
 Associate degree or Trade School Other: _____ (Please Specify)
 Bachelor's Degree

6. What is your annual household income?

- \$32,000 or less
 \$32,001 - \$51,000
 \$51,001 - \$77,000
 Over \$77,000

7. Have you ever been contacted by someone trying to collect a debt?

- Yes No Unsure

8. Has someone ever sued you to collect a debt?

- Yes No Unsure

9. Do you work or have you ever been a part of an organization involved in debt collection, consumer rights, and/or have you ever worked in banking or financial industries?

- No
 Debt collection agency or law firm
 Consumer rights organization
 Bank or credit union
 Other: _____ (Please Specify)

Participant Number:
Interviewer Name:
Date & Time:

Citation & Petition: Written Survey Questions

Please answer the following questions about the *Citation and Petition*. If you do not know the answer, you can write, "I don't know."

1. In what court was the lawsuit filed?

2. Who is suing?

3. Who is being sued?

4. How much is this person being sued for?

5. Does the person/company suing have a lawyer?

6. Do you know why this lawsuit was filed and what the person being sued should do next?

7. When does the person being sued need to file an answer to the lawsuit with the court?

8. a. Who could the person sued contact if they have any questions?

- b. How could the person being sued contact them?

9. It is important for the person sued to respond to this lawsuit. (Circle your answer below)

Strongly Disagree Somewhat Disagree Neither Agree nor Disagree Somewhat Agree Strongly Agree

10. How difficult or easy was it for you to answer these questions? (Circle your answer below)

Very Difficult Somewhat Difficult Neither Easy nor Difficult Somewhat Easy Very Easy

Participant Number:
Interviewer Name:
Date & Time:

Citation & Petition: Verbal Interview Questions

Interviewers will ask the following questions to engage participants in an open discussion about their general understanding of the *Citation* and *Petition*.

Questions to ask ALL participants:

1. What emotions or feelings came up while you were reading the citation and petition?
 - a. Would your feelings impact your next steps?
2. What are the *Citation* and *Petition* telling you?
3. Was it easy or difficult to understand the purpose of the *Citation, Petition*?
 - a. What was easy or difficult about understanding the *Citation, Petition*?
4. When answering the written questions for the *Citation* and *Petition*, was there one that you preferred to use, or mainly relied on, to find the answers?
5. Do you know who sent the *Citation* and *Petition*?
 - a. How did you find that information?
 - b. How easy or difficult was it for you to find that information?
6. What are the *Citation* and *Petition* advising you to do?
7. After reading these *Citation* and *Petition*, what would you do next?
8. In the *Citation*, there is a section about default judgments, which reads as follows: 'If you fail to answer as required, a judgment by default may be rendered for the relief demanded in the petition.' Can you explain what the phrase "judgment by default", or default judgment, means?
9. In the *Citation*, there is a section about responding to the lawsuit, which reads as follows: 'You have been sued. You are commanded to appear by filing a written answer to the petition...' Can you explain what it means to "file an answer" to the lawsuit?

Additional questions to ask Spanish-speaking participants:

10. What do you usually do when you receive documents in a language you do not speak?
 - a. Provide the following prompts if necessary:
 - i. Use a translator/ask someone in your family who Speaks English
 - ii. Disregard/throw away
11. Are you more likely to respond if the documents are in the primary language that you speak?

Participant Number:
Interviewer Name:
Date & Time:

Debt Collection Lawsuit Packet: Written Survey Questions

Please answer the following short-answer questions about the Debt Collection Lawsuit Packet. If you do not know the answer, you can write, "I don't know."

1. In what court was the lawsuit filed?

2. Who is suing?

3. Who is being sued?

4. How much is this person being sued for?

5. Does the person/company suing have a lawyer?

6. Do you know why this lawsuit was filed and what the person being sued should do next?

7. When does the person being sued need to file an answer to the lawsuit with the court?

8. a. Who should the person sued contact if they have any questions?

b. How could the person being sued contact them?

9. It is important for the person being sued to respond to this lawsuit. (Circle your answer below)

Strongly Disagree Somewhat Disagree Neither Agree nor Disagree Somewhat Agree Strongly Agree

10. How difficult or easy was it for you to answer these questions? (Circle your answer below)

Very Difficult Somewhat Difficult Neither Easy nor Difficult Somewhat Easy Very Easy

Participant Number:
Interviewer Name:
Date & Time:

Debt Collection Lawsuit Packet: Scale Questions

On a scale of *Strongly Disagree* to *Strongly Agree*, please circle your answer below for the following questions.

1. My understanding of the *Citation* and *Petition* has improved after reading the Debt Collection Lawsuit Packet.

Strongly Disagree Somewhat Disagree Neither Agree nor Disagree Somewhat Agree Strongly Agree

2. My understanding of the lawsuit has increased after reading the Debt Collection Lawsuit Packet.

Strongly Disagree Somewhat Disagree Neither Agree nor Disagree Somewhat Agree Strongly Agree

3. I am more likely to respond to the lawsuit after reading the Debt Collection Lawsuit Packet.

Strongly Disagree Somewhat Disagree Neither Agree nor Disagree Somewhat Agree Strongly Agree

4. I feel confident in my ability to respond to the lawsuit after reading the Debt Collection Lawsuit Packet.

Strongly Disagree Somewhat Disagree Neither Agree nor Disagree Somewhat Agree Strongly Agree

Participant Number:
Interviewer Name:
Date & Time:

Debt Collection Lawsuit Packet: Verbal Questions

Interviewers will ask the following questions to engage participants in an open discussion about their general understanding of the Debt Collection Lawsuit Notice and Instructions.

Questions to ask ALL participants:

1. What emotions or feelings came up while you were reading the Debt Collection Lawsuit Packet?
 - a. Would your feelings impact your next steps?

2. After reading the Debt Collection Lawsuit Packet, has your understanding of the process to respond to a debt collection lawsuit changed?

3. When you were answering the survey questions for the Debt Collection Lawsuit Packet, which document(s) did you find yourself using to respond to the survey questions?
 - a. Did you refer back to the original Citation and Petition when trying to locate this information?

4. What, if anything, did you find most helpful about the Debt Collection Lawsuit Packet?
 - a. Did you find one of the documents (notice, instructions, response answer) more helpful than the others?

5. What, if anything, would you change about the Debt Collection Lawsuit Packet to make it easier, or more clear, to understand?
 - a. What, if anything, would you change about the Debt Collection Lawsuit Packet to make the *Citation* and *Petition* easier, or more clear, to understand?

6. After reading the Debt Collection Lawsuit Packet, what would you do next?

Participant Number:
Interviewer Name:
Date & Time:

Form to Respond to Debt Collection Lawsuit: Verbal Questions

Interviewers will ask the following questions to engage participants in an open discussion about their general understanding of the Form to Respond to a Debt Collection Lawsuit.

Questions to ask ALL participants:

1. How do you feel after filling out the Form to Respond to a Debt Collection Lawsuit?
2. Do you feel like the Debt Collection Lawsuit Packet assisted you in filling out the Form to Respond to a Debt Collection Lawsuit?
3. Now that you have filled out the Form to Respond to a Debt Collection Lawsuit, what would you do next?

Survey Packet – Spanish

Resumen del estudio de cobro de deudas de Texas Appleseed

Gracias por participar en este estudio que investiga las maneras de ayudar a la gente que enfrenta una demanda de cobro de deuda. Queremos que entiendan sus derechos y el proceso legal. A veces, la gente que enfrenta una demanda de cobro de deuda no tiene acceso a ayuda o recursos para ayudarse. Por eso, lo que el entrevistador puede responder o explicar tendrá límites durante este proceso de entrevista; esto es para que sea una experiencia realista y parecida a la que un individuo que enfrenta una demanda de cobro de deuda soportará.

Información importante:

Tiempo: Pensamos que la entrevista va a durar 1-1.5 horas. Ya que habrá mucha información diferente que se le presentará, sugerimos que ud. tome descansos durante el proceso de la entrevista.

Pago: Ud. recibirá una tarjeta de regalo de HEB de \$75 por su tiempo.

Asuntos de privacidad: Grabaremos la entrevista, pero su nombre no será asociado con sus respuestas. Todas las respuestas en el estudio serán anónimas y asociadas con un número del participante, no con un nombre específico.

Uso de información: Usaremos la información que recogemos de este estudio para mejorar la carta, las instrucciones, y la forma de respuesta, y para entender hasta qué punto la información ha sido útil para la gente demandada. Publicaremos un estudio basado en los resultados de las entrevistas.

¡Muchas gracias por estar dispuesta/o a ayudar! Si tiene preguntas después de su entrevista, favor de contactar a Briana Gordley a bgordley@texasappleseed.org o [REDACTED] o Jessi Stafford a jstafford@texasappleseed.org.

Número del participante:

Nombre de la persona que hace la entrevista:

Fecha y hora:

Encuesta de demográficos y cobro de deudas

1. ¿Cuál es su identidad de género?
 Femenino
 Masculino
 Otro/a: _____ (Favor de especificar)
2. ¿Cuál es su edad? _____
3. ¿Cuál es su idioma preferido? _____
4. ¿Cuál es su identidad racial o étnica?
 Asiática/o Nativo hawaiano o de las Islas Pacíficas
 Negro o afroamericano Blanca/o
 Latino o hispano Otro/a: _____ (Favor de especificar)
 India/o americana/o; nativa/o americana/o; indígena de las Américas
5. ¿Cuál es la licenciatura o nivel de educación más alto que cumplió?
 Diploma de escuela secundaria o G.E.D. Título de maestría o doctorado
 Algunos créditos universitarios, pero sin título Título de abogado
 Título asociado o escuela de comercio Otro: _____ (Favor de especificar)

 Título de bachiller
6. ¿Cuál es su ingreso anual del hogar?
7. ¿Ha sido contactada/o por alguien que ha tratado de cobrar una deuda?
 Sí
 No
 No sé
8. ¿Alguien le ha demandada/o para cobrar una deuda?
 Sí
 No
 No sé
9. ¿Trabaja ud. o ha trabajado por una organización involucrada con el cobro de deudas, derechos del consumidor, y/o ha trabajado en una industria bancaria o financiera?
 No
 Agencia de cobro de deuda o bufete de abogados
 Organización para los derechos del consumidor
 Banco o unión de crédito
 Otro: _____ (Favor de especificar)

Número del participante:
Nombre de la persona que hace la entrevista:
Fecha y hora:

Citación & solicitud: preguntas escritas de la encuesta

Favor de contestar las siguientes preguntas sobre la Citación y la Solicitud. Si no sabe la respuesta, puede escribir "No sé."

1. ¿En cuál tribunal fue presentada la demanda?

2. ¿Quién hizo la demanda?

3. ¿Quién fue demandado/a?

4. ¿Por cuánto dinero se le demandó?

5. ¿Tiene un abogado la persona o la empresa que hizo la demanda?

6. ¿Sabe ud. por qué se presentó esta demanda? ¿Cuál es la siguiente cosa que la persona demandada debe hacer? (Explicar abajo)

7. ¿Cuándo tiene que presentar el demandado una respuesta a la demanda a la corte?

8. a. Si el demandado tiene preguntas, ¿a quién debe contactar?

b. ¿Cómo debe contactarle a esa persona?

Número del participante:

Nombre de la persona que hace la entrevista:

Fecha y hora:

9. Es importante que el demandado responda a la demanda. (Hacer círculo en su respuesta abajo)

Muy en desacuerdo

En desacuerdo un poco

Ni estoy de acuerdo ni en desacuerdo

Estoy un poco de acuerdo

Estoy fuertemente de acuerdo

10. ¿Hasta qué punto fue fácil o difícil de contestar estas preguntas? (Hacer círculo en su respuesta abajo)

Muy difícil

Un poco difícil

Ni fácil ni difícil

Un poco fácil

Muy fácil

Número del participante:
Nombre de la persona que hace la entrevista:
Fecha y hora:

Citación & solicitud: preguntas verbales de la encuesta

Los entrevistadores harán las siguientes preguntas para tener una conversación con los participantes sobre su entendimiento general de la *Citación* y la *Solicitud*.

Preguntas para TODOS los participantes:

1. ¿Qué emociones o sentimientos experimentó mientras ud. leía la *Citación* y la *Solicitud*?
 - a. ¿Sus emociones afectarían sus próximos pasos?
2. ¿Qué le dicen la *Citación* y la *Solicitud*?
3. ¿Fue fácil o difícil de entender el objetivo de la *Citación* y la *Solicitud*?
 - a. ¿Qué aspectos fueron los que le hizo fácil o difícil de entender el objetivo de la *Citación* y la *Solicitud*?
4. Cuando ud. respondió las preguntas escritas para *Citación* y la *Solicitud*, ¿usó la *Citación* o la *Solicitud* en particular para encontrar la respuesta?
5. ¿Sabe quién envió la *Citación* y la *Solicitud*?
 - a. ¿Cómo encontró esta información?
 - b. ¿Hasta qué punto fue fácil o difícil encontrar esta información?
6. ¿Qué sugieren la *Citación* y la *Solicitud* que ud. haga?
7. Después de leer la *Citación* y la *Solicitud*, ¿cuál sería su próximo paso?
8. En la *Citación*, hay una sección que se trata de un fallo por falta de comparencia. Dice ““If you fail to answer as required, a judgment by default may be rendered for the relief demanded in the petition.” ¿Puede explicar lo que significa “judgment by default” o default judgment?
9. En la *Citación*, hay una sección que trata de responder a la demanda. Dice ““You have been sued. You are commanded to appear by filing a written answer to the petition filed by the Plaintiff with the clerk of the court...” ¿Puede explicar lo que significa “file a written answer” a la demanda?

Preguntas adicionales para hacer a los participantes hispanohablantes:

10. ¿Normalmente qué hace ud. cuando recibe formularios en un idioma que no habla?
 - a. Provea las siguientes sugerencias/indicaciones si es necesario:

Número del participante:

Nombre de la persona que hace la entrevista:

Fecha y hora:

- i. Por ejemplo, si usa un traductor o si le pregunta a un miembro de la familia que habla inglés.
- ii. Si ignora o tira el formulario.

11. ¿Es más probable que ud. responda si los formularios están escritas en el idioma que usted habla?

Número del participante:
Nombre de la persona que hace la entrevista:
Fecha y hora:

Aviso de una demanda de cobro de deudas & instrucciones: preguntas escritas de la entrevista

Favor de contestar las siguientes preguntas de respuestas cortas sobre el *Aviso de una demanda de cobro de deudas*. Si no sabe la respuesta, puede escribir "No sé."

1. ¿En cuál tribunal fue presentada la demanda?

2. ¿Quién hace la demanda?

3. ¿Quién es demandado/a? _____
4. ¿ Por cuánto dinero se le demanda?

5. ¿La persona o compañía que demanda tiene un abogado?

6. ¿Sabe ud. por qué se presentó esta demanda y qué debe hacer entonces el demandado?

7. ¿Cuándo tiene que entregar una respuesta a la demanda a la corte el demandado?

8. a. ¿ A quién debe contactar con preguntas el demandado?

- b. ¿Cómo debe contactarle a esa persona?

Número del participante:

Nombre de la persona que hace la entrevista:

Fecha y hora:

9. Es importante que el demandado contesta esta demanda. (Hacer círculo en su respuesta abajo)

Muy en desacuerdo

En desacuerdo un poco

Ni estoy de acuerdo ni en desacuerdo

Estoy un poco de acuerdo

Estoy fuertemente de acuerdo

10. ¿Hasta qué punto fue fácil o difícil contestar estas preguntas? (Hacer círculo en su respuesta abajo)

Muy difícil

Un poco difícil

Ni fácil ni difícil

Un poco fácil

Muy fácil

Número del participante:
Nombre de la persona que hace la entrevista:
Fecha y hora:

Aviso de una demanda de cobro de deudas & instrucciones: preguntas de niveles

1. Mi comprensión de la *Citación* y la *Solicitud* ha mejorado después de leer el *Aviso de una demanda de cobro de deudas*. (Hacer círculo en su respuesta abajo)

Muy en desacuerdo
En desacuerdo un poco
Ni estoy de acuerdo ni en desacuerdo
Estoy un poco de acuerdo
Estoy fuertemente de acuerdo

2. Mi comprensión de la demanda ha mejorado después de leer el *Aviso de una demanda de cobro de deudas*. (Hacer círculo en su respuesta abajo)

Muy en desacuerdo
En desacuerdo un poco
Ni estoy de acuerdo ni en desacuerdo
Estoy un poco de acuerdo
Estoy fuertemente de acuerdo

3. Es más probable que yo responda a la demanda después de leer el *Aviso de una demanda de cobro de deudas*. (Hacer círculo en su respuesta abajo)

Muy en desacuerdo
En desacuerdo un poco
Ni estoy de acuerdo ni en desacuerdo
Estoy un poco de acuerdo
Estoy fuertemente de acuerdo

4. Tengo confianza en mi habilidad de contestar la demanda después de leer el *Aviso de una demanda de cobro de deudas*. (Hacer círculo en su respuesta abajo)

Muy en desacuerdo
En desacuerdo un poco
Ni estoy de acuerdo ni en desacuerdo
Estoy un poco de acuerdo
Estoy fuertemente de acuerdo

Número del participante:
Nombre de la persona que hace la entrevista:
Fecha y hora:

Aviso de una demanda de cobro de deudas & instrucciones: preguntas verbales

Los entrevistadores harán las siguientes preguntas para tener una conversación con los participantes sobre su comprensión del *Aviso de una demanda de cobro de deudas & instrucciones*.

1. ¿Qué emociones o sentimientos experimentó mientras leía el *Aviso de una demanda de cobro de deudas*?
 - a. ¿Sus sentimientos afectarían sus próximos pasos?

2. Después de leer el *Aviso de una demanda de cobro de deudas*, ¿ha cambiado su comprensión del proceso para contestar una demanda?

3. Cuando respondía a las respuestas de la encuesta para el *Aviso de una demanda de cobro de deudas*, ¿cuáles documentos usó para responder a las preguntas?
 - a. ¿Revisó la *Citación* y la *Solicitud* mientras trató de encontrar esta información?

5. Si algo fue útil en el *Aviso de una demanda de cobro de deudas*, ¿qué es lo que fue?
 - a. Uno de los documentos (aviso, instrucciones, forma de respuesta) fue más útil que los demás?

6. Después de leer el *Aviso de una demanda de cobro de deudas*, ¿qué haría?

Número del participante:

Nombre de la persona que hace la entrevista:

Fecha y hora:

Formulario de contestación: preguntas verbales

Los entrevistadores harán las siguientes preguntas para tener una conversación con los participantes sobre su comprensión general del *Formulario de contestación*.

Preguntas para TODOS los participantes:

1. ¿Cómo se siente después de llenar el *Formulario de contestación*.
2. ¿Siente ud. que el *Aviso de una demanda de cobro de deudas* le ayudó a llenar el *Formulario de contestación*?
3. **Una vez que haya llenado el *Formulario de contestación*, ¿qué haría?**

Case Scenario 1 – English

Form to Respond to Debt Collection Lawsuit: Case Scenario #1

For the final part of the study, you'll be presented with an imaginary scenario where you are playing the role of the person sued to collect a debt.

Given the following information, please complete the Form to Respond to Debt Collection Lawsuit to the best of your ability.

The general facts of this scenario are the same as those in the citation and petition that you got at the beginning of this interview. For the purposes of filling out the Form to Respond to a Debt Collection Lawsuit, pretend that you are that person being sued. Fill out the Form to respond to that lawsuit.

Additional Facts:

- You remember taking out a credit card with Local Bank and you first missed a payment in November of 2017. You haven't made a payment since then.
- You are permanently disabled, and your main source of income is Social Security Disability benefits. You also get money from child support.

Please review the citation and petition, the letter from the court, and the instructions, and use that information to fill out the Form to Respond to a Debt Collection Lawsuit.

Case Scenario 1 – Spanish

Formulario de contestación: Ejemplo #1

Para la última parte del estudio, se le presentará un ejemplo imaginario en que ud. tiene el papel del demandado.

Usando la información abajo, favor de completar lo más posible el *Formulario de contestación*.

Los datos generales de este guión son los mismos que aquellos en la *Citación* y la *Solicitud* que recibió al empezar esta entrevista. Para el objetivo de llenar el *Formulario de contestación*, haga el papel de la persona demandada. Llene el *Formulario* para responder a la demanda.

Datos adicionales:

- Ud. recuerda haber sacado una tarjeta de crédito con un banco local y faltó el primer pago en noviembre del 2017. No ha pagado desde esta fecha.
- Ud. es una persona con una discapacidad permanente, y la fuente de ingreso principal viene de los beneficios del Seguro por Incapacidad del Seguro Social (“SSDI” en inglés). También recibe dinero para el mantenimiento de niños (“child support” en inglés).

Favor de revisar la *Citación* y la *Solicitud*, la carta de la corte, y las instrucciones, y utilizar esta información para llenar el *Formulario de contestación*.

Case Scenario 2 – English

Form to Respond to Debt Collection Lawsuit: Case Scenario #2

For the final part of the study, you'll be presented with an imaginary scenario where you are playing the role of the person sued to collect a debt.

Given the following information, please complete the Form to Respond to Debt Collection Lawsuit to the best of your ability.

The general facts of this scenario are the same as those in the citation and petition that you got at the beginning of this interview. For the purposes of filling out the Form to Respond to a Debt Collection Lawsuit, pretend that you are that person being sued. Fill out the Form to respond to that lawsuit.

Additional Facts:

- You bought a used Chevy Suburban in November of 2013 and financed it. The total amount that you financed was \$30,000 for a 5-year loan term.
- You paid on the loan for four years but then lost your job. You still owed \$10,000 at the time that you stopped paying the loan.
- The lender repossessed your car and you never heard anything else from the lender about the car or the loan. The car was worth \$12,000 at the time they took it.
- You assumed you no longer owed any money because the lender took the car back. You are surprised to be served with lawsuit papers to collect money on that loan.
- You live in Harris County.

Please review the citation and petition, the letter from the court, and the instructions, and use that information to fill out the Form to Respond to a Debt Collection Lawsuit.

Case Scenario 2 - Spanish

Formulario de contestación: Ejemplo #2

Para la última parte del estudio, se le presentará un ejemplo imaginario en que ud. tiene el papel del demandado.

Usando la siguiente información, favor de completar lo más posible el *Formulario de contestación*.

Los datos generales de este ejemplo son los mismos que aquellos en la *Citación* y la *Solicitud* que recibió al empezar esta entrevista. Para el objetivo de llenar el *Formulario de contestación*, haga el papel de la persona demandada. Llene el *Formulario* para responder a la demanda.

Datos adicionales:

- Ud. compró un Chevy Suburban usado en noviembre del 2013 y sacó un préstamo. El costo total del préstamo fue \$30,000 con un plazo de préstamo de cinco años.
- Pagó el préstamo por cuatro años pero después perdió su trabajo. Todavía debía \$10,000 cuando paró de pagar el préstamo.
- El prestador tomó su carro y nunca supo nada más del prestador sobre el carro o el préstamo. El carro valía \$12,000 cuando lo tomaron.
- Ud. supuso que ya no debía el dinero porque el prestador tomó el carro. Cuando se le presenta con los papeles de la demanda para cobrar el dinero del préstamo, se siente sorprendido/a.
- Ud. vive en el condado de Harris.

Favor de revisar la *Citación* y la *Solicitud*, la carta de la corte, y las instrucciones, y utilizar esta información para llenar el *Formulario de contestación*.

Citation – Scenario 1

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Citation - Debt Claim

Tracking Number: 99999999

Case Number: 8675309

ABC Investments LLC Plaintiff
vs.
Ernest Debtor
Defendant

§
§
§
§
§

In the Justice Court
Travis County, Texas
Precinct 6, Place 2
500 Justice St.
Austin, TX 12345
555-555-5555

THE STATE OF TEXAS
COUNTY OF TRAVIS

Citation (Debt Claim Case)

**TO: ANY SHERIFF, CONSTABLE, PROCESS SERVER CERTIFIED UNDER ORDER OF THE SUPREME COURT,
OTHER PERSON AUTHORIZED BY COURT ORDER, OR CLERK:**

Deliver this citation, together with a copy of the petition, to:

Ernest Debtor
123 Any St.
Austin TX 12345

TO THE DEFENDANT:

You have been sued. You are commanded to appear by filing a written answer to the petition filed by Plaintiff with the Clerk of the Court on or before the end of the 14th day after the date of service of this citation. If you fail to file an answer as required, a judgment by default may be rendered for the relief demanded in the petition.

Date Petition Filed: 03/15/2022

Nature of demand made by Plaintiff(s): money owed in the amount of \$2,037.65. A copy of the petition is attached.

Notice

You have been sued. You may employ an attorney to help you in defending against this lawsuit. But you are not required to employ an attorney. You or your attorney must file an answer with the court. Your answer is due by the end of the 14th day after the day you were served with these papers. If the 14th day is a Saturday, Sunday, or legal holiday, your answer is due by the end of the first day following the 14th day that is not a Saturday, Sunday, or legal holiday. Do not ignore these papers. If you do not file an answer by the due date, a default judgment may be taken against you. For further information, consult the Texas Rules of Civil Procedure, Part V, Rules of Practice in Justice Courts. A copy of the Rules is available at the Justice Court.

Date: 3/15/2022

/s/ Jerry Justice

Clerk of the Court
Travis County Justice Court
Precinct 6, Place 2

Address of Plaintiff
1111 N Debt Collection
Avenue Austin TX 12345

Address of Plaintiff's Attorney
Daniel Debtcollector
1111 N Debt Collection Avenue
Austin TX 12345
(800)-000-0000

Petition – Scenario 1

This is not a real document

Justice Court Debt Collection Case

Original Petition

THE CASE STYLE	1 Case Style ABC Investments, LLC Plaintiff vs. Ernest Debtor Defendant	2 Court CASE NUMBER <u>8675309</u> IN THE TRAVIS COUNTY JUSTICE COURT PRECINCT 6 PLACE 2 500 Justice St., Room 210 Austin, TX 12345 Ph: (555) 555-5555													
	THE PARTIES TO THE LAWSUIT	3 Plaintiff ABC Investments, LLC	4 Plaintiff's Capacity a limited liability company												
5 Defendant Ernest Debtor		7 Co-Defendant _____													
6 Defendant's Address and Phone: 123 Any St. Austin, TX 12345		8 Co-Defendant's Address and Phone _____													
DETAILS ABOUT PLAINTIFF'S CLAIM	9 Original Creditor: Local Bank	10 Account Number: XXXXXXXXXXXX1234	11 Claim Type: Credit Card Account												
	12 Card/Account Name: Local Bank	13 Date Account Opened: August 15, 2017	14 Date Acct Closed/Chargeoff: May 22, 2021												
	15 Claim Detail [Optional]: Plaintiff's claim is for Account Stated and/or Open Account. The claim arises from a Credit Card Account entered into by Defendant(s) with Local Bank, Account No. XXXXXXXXXXXX1234 (the Account). The Account is in default and Plaintiff sues herein for actual damages, cost of court and continuing post-judgment interest.		16 Claim Totals <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">Damages</td> <td style="width: 10%;">\$</td> <td style="width: 15%; text-align: right;">2,037.65</td> </tr> <tr> <td>Interest</td> <td>\$</td> <td style="text-align: right;">0.00</td> </tr> <tr> <td>Attys Fees</td> <td>\$</td> <td style="text-align: right;">0.00</td> </tr> <tr> <td>TOTAL</td> <td>\$</td> <td style="text-align: right;">2,037.65</td> </tr> </table>	Damages	\$	2,037.65	Interest	\$	0.00	Attys Fees	\$	0.00	TOTAL	\$	2,037.65
	Damages	\$	2,037.65												
Interest	\$	0.00													
Attys Fees	\$	0.00													
TOTAL	\$	2,037.65													
<input checked="" type="checkbox"/> Plaintiff's Claim is Assigned <input type="checkbox"/> N/A		PLAINTIFF or PLAINTIFF'S ATTORNEY													
IS THIS AN ASSIGNED CLAIM	Plaintiff Acquired the Claim From: Local Bank		Name of Firm [if applicable]: Debt Collector Law Firm												
	Date of Acquisition: 6/30/2021		Address: 1111 N Debt Collection Avenue Austin, Texas 12345												
	Other Prior Holders of the Claim:		Phone / FAX: Ph: (800) 000-0000 Fax: (800) 000-0001												
ONGOING INTEREST	<input type="checkbox"/> Plaintiff Seeks Ongoing Interest <input checked="" type="checkbox"/> N/A		Service by email is Authorized debtcollector@debt.com												
	<input type="checkbox"/> Interest is Statutory and/or <input type="checkbox"/> Interest is Contractual		Date: March 15, 2022												
	Interest Accrues On What Amount:	Interest Rate:	Signature: _____ <i>1s/ Daniel Debtcollector</i>												
ATTY FEES	<input type="checkbox"/> Plaintiff Seeks Attorneys Fees		Name: Daniel Debtcollector												
	<input checked="" type="checkbox"/> Plaintiff Does Not Seek Attorneys Fees		Bar No. [if applicable]:												

Citation – Scenario 2

This is not a real document

Citation - Debt Claim

Tracking Number: 99999999

Case Number: 8675309

ABC AUTO LOAN FINANCE f/k/a CARS R US
Plaintiff
vs.
Alicia Debtor
Defendant

§
§
§
§
§

In the Justice Court
Travis County, Texas
Precinct 6, Place 2
500 Justice Street
Room 210
Travis County, TX 12345
(555)-555-5555

Citation (Debt Claim Case)

THE STATE OF TEXAS
COUNTY OF TRAVIS

TO: **ANY SHERIFF, CONSTABLE, PROCESS SERVER CERTIFIED UNDER ORDER OF THE SUPREME COURT, OTHER PERSON AUTHORIZED BY COURT ORDER, OR CLERK:**

Deliver this citation, together with a copy of the petition, to:

Alicia Debtor
May be served with process
123 Any St.
Austin, TX 12345
Or at such other place as the Defendant may be found.

TO THE DEFENDANT:

You have been sued. You are commanded to appear by filing a written answer to the petition filed by Plaintiff with the Clerk of the Court on or before the end of the 14th day after the date of service of this citation. If you fail to file an answer as required, a judgment by default may be rendered for the relief demanded in the petition.

Date Petition Filed: 01/07/2022

Nature of demand made by Plaintiff(s): money owed in the amount of \$6,847.48. A copy of the petition is attached.

Notice

You have been sued. You may employ an attorney to help you in defending against this lawsuit. But you are not required to employ an attorney. You or your attorney must file an answer with the court. Your answer is due by the end of the 14th day after the day you were served with these papers. If the 14th day is a Saturday, Sunday, or legal holiday, your answer is due by the end of the first day following the 14th day that is not a Saturday, Sunday, or legal holiday. Do not ignore these papers. If you do not file an answer by the due date, a default judgment may be taken against you. For further information, consult the Texas Rules of Civil Procedure, Part V, Rules of Practice in Justice Courts. A copy of the Rules is available at the Justice Court.

Date: 1/10/2022

/s/ Jerry Justice
Clerk of the Court
Travis County Justice Court
Precinct 6, Place 2

Address of Plaintiff's Attorney
Daniel Debtcollector
1111 N Debt Collection Avenue
Suite 555
Austin TX 12345
(800)-000-0000

Petition – Scenario 2

This is not a real document

	Case No. <u>8675309</u>	
ABC Auto Loan Finance f/k/a Cars R Us	§	In the Justice Court PR 6 PL 2
Plaintiff	§	
v.	§	
ALICIA DEBTOR	§	
	§	of
Defendant(s)	§	Travis County, Texas
	§	

PLAINTIFF’S ORIGINAL PETITION

A. Parties

1. The address for Plaintiff, ABC AUTO LOAN f/k/a CARS R US, is PO BOX 1234, Austin TX 12345.
2. Defendant, ALICIA DEBTOR may be served with process at 123 Any St, Austin, TX, 12345 or at such other place as the Defendant may be found.

B. Jurisdiction

3. Plaintiff seeks only monetary relief of \$20,000 or less, including damages of any kind, penalties, costs, and expenses.
4. Plaintiff asserts that the above-named court has jurisdiction over the subject matter of this case and the person(s) of Defendant(s) and that the damages sought are within the jurisdictional limits of the court.

C. Venue

5. Venue of this action is proper in the county named above because Defendant(s) is/are individual(s) believed to be residing in said county at the time of commencement of suit.

D. Facts

6. On or about November 1, 2013, the Defendant entered into a Contract for the extension of credit and/or financing bearing account number ending in *****1234 (Hereinafter referred to as “the Contract” and/or “the Account”). Defendant(s) received the benefit of the credit/financing provided and thereby became obligated to repay the balance according to the terms set forth in the Contract.

7. Defendant(s) subsequently defaulted on the obligation to repay the balance pursuant to the Contract. Defendant's(s') default constitutes breach of the Contract.

8. After Defendant's(s') default under the Contract, Defendant(s) was provided with all notices required by the Contract and applicable law, the balance due under the Contract was properly accelerated, and demand was made for payment from Defendant(s) for the remaining balance. However, Defendant(s) did not pay the balance due.

9. Pursuant to the Contract and/or applicable state law, the collateral securing the debt was repossessed, and disposed of in a commercially reasonable manner after first giving Defendant(s) all notice required by the Contract and applicable law. The proceeds from the sale of the collateral have been applied to the balance due under the Contract.

10. Plaintiff is the legal and equitable owner of the debt owed under the contract and the proper party to bring this lawsuit.

11. After applying the net proceeds of the sale to the balance owed under the Contract and after all just and lawful offsets, credits and payments have been allowed, the total deficiency balance due Plaintiff under the Contract is \$6,847.48 plus interest.

12. The Plaintiff has made demand upon the Defendant(s) for the remaining balance owed under the Contract. The Defendant(s) have failed, neglected, and refused to pay that amount and said sum, plus accrued interest, less all lawful offsets, credits, or payments, is still due and owing.

13. The deficiency balance is based upon and derives from a transaction or series of transactions of which a contemporaneous, systematic record has been kept.

E. Conditions Precedent

14. Through its undersigned attorney Plaintiff has demanded payment from Defendant(s), but Defendant(s) has/have not satisfied such demand. Plaintiff has performed all conditions precedent to the filing of this action or all such conditions precedent to filing of this action have occurred.

F. Miscellany

15. If this is a consumer debt, Defendant(s) are put on notice that federal law has designated this law firm as a debt collector and that we are attempting to collect a debt and any information obtained will be used for that purpose.

G. Prayer

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendant(s) be cited to appear & answer herein, and that upon final hearing, Plaintiff have judgment against Defendant(s) for:

- a. Actual damages in the amount of \$6,847.48.
- b. Pre-judgment and Post-judgment interest.
- c. Court costs.
- d. All other relief to which Plaintiff is entitled.

Respectfully submitted;
DEBT COLLECTOR LAW FIRM
ATTORNEYS IN THE PRACTICE OF DEBT COLLECTION

By: *Daniel Debtcollector*

ATTORNEY CONTACT INFO:

Daniel Debtcollector
Phone- (800) 000-0000
E-mail: DEBTCOLLECTOR@debt.com

1111 N. Debt Collection Avenue, Suite 555
Austin TX 12345
Toll Free - (800) 000-0000 Fax - Austin (800) 000-0001
E-mail: DEBTCOLLECTOR@debt.com
ATTORNEY FOR PLAINTIFF

Debt Collection Letter Packet – Scenario 1, English

Debt Collection Lawsuit Notice

from Justice of the Peace, Precinct 6, Place 2

Dear Ernest Debtor:

You have been sued to collect a debt: ABC Investments, LLC says you owe them **\$2,037.65**

You should have a copy of the lawsuit papers. They may have been given to someone where you live, or they may have come in the mail in the past week or so.

The lawsuit papers include a *petition* from the person or business suing you and a *citation* from this court. The papers explain who is suing you and how much they say you owe, and they tell you the specific court where you are being sued. Contact this court if you do not have the lawsuit papers.

File an answer. This letter includes an **Answer Form** and instructions to fill it out and file it with the court. It is important to respond in writing to the lawsuit no later than 14 days after you get the lawsuit papers. It is a good idea to respond, even if you think you might be late.

If you do not respond, you will probably lose this case. If you lose, the person suing you will get a judgment against you, which means:

- The person suing you can use the judgment to take money from your bank account without warning and may be able to take some of your property to pay off the debt.
- The judgment could make it hard for you to get a loan in the future.

Get Help

You may want to speak with a lawyer.

Tips to access free and low-cost legal services and information are available online at: TexasLawHelp.org or txcourts.gov/programs-services/legal-aid

To reach the State Bar Lawyer Referral Service, call: (800) 252-9690. Tell them that you need a collection defense lawyer, or a consumer lawyer.

The Legal Aid office serving this county is: Texas RioGrande Legal Aid, (888) 988-9996

Your case number:
8675309

Case caption:
ABC Investments, LLC v.
Ernest Debtor

Date: April 20, 2022

Plaintiff or Plaintiff's attorney:
Daniel Debtcollector
1111 N Debt Collection Ave.
Austin, TX 12345
(800) 000-0000

Court:
JP Pct. 6, Place 2
500 Justice St.
Austin, TX 12345
(555) 555-5555

Clerk:
Jery Justice

**If you have any questions,
please contact the court
clerk: Monday-Friday
between 9 a.m. and 5 p.m.,
at (555) 555-5555**

This is an important notice from the court. Please read it carefully.

Instructions

- 1. Read the lawsuit papers** (citation and petition) that were delivered to you to learn:
 - ✓ Who is suing you
 - ✓ How much they say you owe them
 - ✓ Where they are suing you – which court in which county
 - ✓ How to contact the person suing you or their attorney
- 2. Get any information you have about the debt.** This includes things like: credit card statements, bills, receipts, invoices, letters, or any proof you might have that you don't owe the debt. In the lawsuit papers, you are the Defendant. The person suing you is the Plaintiff. You may not recognize the name of the Plaintiff. Often, debts are sold to companies called *debt buyers*. Debt buyers try to collect the debts they buy, and this is legal. Respond to the lawsuit even if you do not recognize the name of the company suing you.
- 3. Fill out the Answer Form.** Some tips for how to fill out the form:
 - ✓ Top of the Answer Form: if it is not already filled out, write the name of the Plaintiff (who is suing you) and Defendant (You) just as they appear in the citation you received in the lawsuit papers.
 - ✓ Section 1: Put your name in the space after "My name is".
 - ✓ Section 2: You can fill out the Additional Defenses section by checking boxes that apply to you. You do not need to fill out this section if none of the boxes apply. You must answer truthfully. You can also share more information in the lines provided at the end of Section 2.
 - ✓ Even if you owe the debt, you may not have to pay if your income is protected. In the form, there is space to list why your income might be protected. Some examples of protected income are: money from Social Security or other retirement funds, veterans benefits, child support, disability income, unemployment benefits, or FEMA benefits.
 - ✓ Sign the Answer Form in the space marked "Your Signature," and print your name and the date.
 - ✓ Under your signature, write your mailing address, your phone number, and, if you use email and check it daily, your email address.
 - ✓ Fill out the "Certificate of Service" on the last page of the Answer Form. Put in the date for *when* you will deliver a copy to the Plaintiff and check the box showing *how* you will deliver a copy of the form to the Plaintiff.
 - ✓ After you fill out and sign the form, **make copies** for yourself and each Plaintiff.
- 4. File the form with the court where you have been sued.**

Take the form to the court or mail it to the court address in the lawsuit papers. It is best to take the completed form to the court to file it quickly or call the court and ask if you can file it online (e-file).

Then mail a copy of the form by first-class mail to the Plaintiff's attorney if one is listed on the lawsuit papers. If no attorney is listed, mail it to the Plaintiff at the address they put in the lawsuit *petition* that was delivered to you. If the Plaintiff agreed to receive service by email, you may send it to the email address listed in the *petition*.

Send a copy of the form to the plaintiff on the date you write on the "Certificate of Service." This should be the same date you file the form with the court.

You should respond within **14 days** from the day you get the lawsuit papers. It is a good idea to respond even if you think you missed the deadline. You can use the form included with these instructions or use another form of your choosing to respond.

If you have a lawyer, contact your lawyer before you take any further steps.

What happens next

After the court gets your Answer Form, the court will mail you the time and date to come to court for a **hearing**.

Make sure to go to the hearing. **If you do not show up, the court will probably rule against you and you will lose.** You can show up with or without a lawyer.

At the hearing, bring information, documents, and witnesses that support your side. This includes things like: credit card statements, bills, receipts, invoices, letters, or any proof you might have that you don't owe the debt.

If you have protected income—for example money from Social Security, retirement, veteran's benefits, child support, or unemployment—bring proof.

Answer Form to Respond to a Debt Collection Lawsuit

CAUSE NO. _____

	§	IN THE JUSTICE COURT
PLAINTIFF	§	PRECINCT NO. _____
	§	PLACE NO. _____
v.	§	
	§	_____ COUNTY, TEXAS
DEFENDANT	§	

DEFENDANT'S ANSWER - DEBT CLAIM CASE

1. General Denial: My name is _____.
I generally deny the allegations that Plaintiff has made and demand that all allegations be proven.

2. Additional Defenses:
I understand that I do not need to provide any information other than my name in the above General Denial section, but I would like to provide more information to the court.

I do not owe this debt because *[Check only the boxes that apply to your situation. If you would like to raise other issues not included here, you can write them in the lines below this section]:*

<input type="checkbox"/> The Plaintiff is not the original owner of the debt and may not be able to prove ownership of the debt. <input type="checkbox"/> I already paid this debt in full or settled it with the original creditor or someone who bought the debt. <input type="checkbox"/> The account is not my account. I am not the person who took out this debt or I am not the person who made the charges to the account. <input type="checkbox"/> I am a victim of identity theft and I did not create this debt. <input type="checkbox"/> After taking my property securing this loan, the creditor or its representative did not give me proper notice of the sale of my property. <i>(You should have received a notice before sale.)</i> <input type="checkbox"/> After taking my property, the creditor did not sell the property in a "commercially reasonable" manner. <i>(The creditor is required to sell the property in a way to raises the most money and lowers your possible debt.)</i>	<input type="checkbox"/> This debt was discharged in bankruptcy or is part of a current bankruptcy case. <i>My bankruptcy case number is:</i> _____ <input type="checkbox"/> The statute of limitations on the debt has expired. <i>(The statute of limitations is generally four years from the date your account went into default—after you stopped paying.)</i> <input type="checkbox"/> I have already been sued on this debt and a court made a decision about this debt in a judgment or case dismissal. <input type="checkbox"/> This debt was resolved in arbitration. <input type="checkbox"/> I bought a credit protection plan to cancel or make payments on this debt if I became disabled or lost my job. I became disabled, lost my job, or both, and I notified the creditor or collector about my situation.
--	--

If there are other reasons you do not owe this debt, you may list them here. You can also use this space to let the court know if your income is protected from debt collection.

Examples of protected income: retirement income like Social Security, a pension, or a 401(k), Railroad Retirement benefits, veterans' benefits, Supplemental Security Income, disability income, spousal and child support, unemployment benefits, workers' compensation, and public benefits like FEMA benefits or TANF.

Attach sheets of paper to this form if you need more space.

3. VENUE: Check this box only if the following statement applies to you:

I do not live in the county or precinct of the court where I have been sued. I ask that this case be transferred to the correct court.

4. JURY REQUEST: Choose one:

I request a jury trial. (The fee is \$22 and must be paid at least 14 days before trial. There is no fee if you file a *Statement of Inability to Afford Payment of Court Cost* form with the court. This form can be found at the court or online.

I do not request a jury at this time.

5. RELIEF REQUESTED:

I reserve the right to file an Amended Answer with the court to plead other defenses after further investigation and discovery.

I request that the court enter judgment for me, the Defendant, award me my costs, and for any other relief to which I am entitled.

Respectfully submitted,

Your signature

Printed name

Address: _____

Telephone _____

Email: _____

(fill this out only if you have an email that you check daily)

CERTIFICATE OF SERVICE

I certify that a copy of this answer was sent to the Plaintiff's attorney (or the Plaintiff if they are not represented by an attorney) on (write the date in the blank) _____ in compliance with Texas Rule of Civil Procedure 501.4 by:

Personal delivery to this address:

Mail to this address:

Fax to this number:

Email (*only allowed if Plaintiff provided an email address in their petition and agreed to receive service by email*) to this email address:

Another method approved by the court:

Your Signature

Debt Collection Letter Packet – Scenario 1, Spanish

Aviso de Cobro de Deudas

de Tribunal de Justicia, Precinto 6, Lugar 2

Estimado Ernest Debtor:

Ha sido demandado para cobrar una deuda: **ABC Investments dice que le debe \$2,037.65**

Debe tener una copia de los documentos de la demanda. Es posible que se los hayan entregado a alguien en el lugar donde vive, o que hayan llegado por correo durante la última semana más o menos.

Los documentos de la demanda incluyen una *solicitud* de la persona o empresa que le está demandando y una *citación* de este tribunal. Los documentos explican quién lo está demandando y cuánto dicen que debe, y le dicen el tribunal específico donde lo están demandando. Comuníquese con este tribunal si no tiene los documentos de la demanda.

Presente una contestación. Esta carta incluye un **Formulario de Contestación** e instrucciones para completarlo y presentarlo ante el tribunal. Es importante responder por escrito a la demanda no más tarde de 14 días después de recibir los documentos de la demanda. Es una buena idea responder, incluso si cree que puede llegar tarde.

Si no responde, probablemente perderá este caso. Si pierde, la persona que lo demanda obtendrá un juicio en su contra, lo que significa:

- La persona que lo está demandando puede usar el fallo para tomar dinero de su cuenta bancaria sin previo aviso y puede tomar parte de su propiedad para pagar la deuda.
- La sentencia podría dificultar la obtención de un préstamo en el futuro.

Consigue Ayuda

Deberías hablar con un abogado.

Consejos para acceder a información y servicios legales gratuitos y de bajo costo están disponibles en línea en: TexasLawHelp.org o txcourts.gov/programs-services/legal-aid

Para comunicarse con el Servicio de Referencia de Abogados del Colegio de Abogados del Estado, llame al: (800) 252-9690. Dígalos que necesita un abogado defensor de cobro o un abogado de consumidores.

La oficina de Asistencia Legal que atiende a este condado es: [número de teléfono de admisión de la asistencia legal local].

Su número de caso:
8675309

Nombre del Caso:
ABC Investments, LLC v. Ernest Debtor

Fecha: April 20, 2022

Demandante o Abogado del Demandante:
Daniel Debtcollector
1111 N Debt Collection Ave.
Austin, TX 12345
(800) 000-0000

Tribunal:
JP Pct. 6, Place 2
500 Justice St.
Austin, TX 12345
(555) 555-5555

Secretario Judicial:
Jerry Justice

Si tiene alguna pregunta, comuníquese con el secretario judicial: de lunes a viernes, de 9 a. m. a 5 p. m., al [inserte el número de teléfono de la corte].

Este es un aviso importante de la corte. Por favor, léalo detenidamente.

Instrucciones

1. Leer los papeles de la demanda (citación y solicitud) que fueron entregados a usted para aprender:

- Quién lo está demandando
- Cuánto dicen que les debe
- Dónde lo están demandando, en qué tribunal de qué condado
- Cómo contactar a la persona que lo está demandando o a su abogado

2. Obtenga cualquier información que tenga sobre la deuda. Esto incluye cosas como: extractos de tarjetas de crédito, cuentas, recibos, facturas, cartas o cualquier prueba que pueda tener de que no debe la deuda. En los documentos de la demanda, usted es el Demandado. La persona que lo está demandando es el Demandante. Es posible que no reconozca el nombre del Demandante. A menudo, las deudas se venden a empresas denominadas *compradores de deudas*. Los compradores de deudas tratan de cobrar las deudas que compran, y esto es legal. Responda a la demanda, aunque no reconozca el nombre de la empresa que lo está demandando.

3. Complete el Formulario de Contestación. Algunos consejos sobre cómo llenar el formulario:

- Parte superior del Formulario de Contestación: si aún no lo ha completado, escriba el nombre del demandante (que lo está demandando) y del demandado (usted) tal como aparecen en la citación que recibió en los documentos de la demanda.
- Sección 1: Ponga su nombre en el espacio después de "Mi nombre es".
- Sección 2: Puede completar la sección Defensas Adicionales marcando las casillas que correspondan a su caso. No es necesario que llene esta sección si no corresponde ninguna de las casillas. Debe responder con la verdad. También puede compartir más información en las líneas provistas al final de la Sección 2.
- Incluso si debe la deuda, es posible que no tenga que pagar si sus ingresos están protegidos. En el formulario, hay espacio para indicar por qué sus ingresos podrían estar protegidos. Algunos ejemplos de ingresos protegidos son: dinero del Seguro Social y otros fondos de jubilación, beneficios de veteranos, pensión alimenticia, ingresos por discapacidad, beneficios de desempleo o beneficios de FEMA.
- Firme el Formulario de Contestación en el espacio marcado como "Su firma" y escriba su nombre y la fecha en letra de imprenta.
- Debajo de su firma, escriba su dirección postal, su número de teléfono y, si usa el correo electrónico y lo revisa a diario, su dirección de correo electrónico.
- Complete el "Certificado de entrega" en la última página del Formulario de Contestación. Escriba la fecha en la que entregará una copia al Demandante y marque la casilla que muestra cómo entregará una copia del formulario al Demandante.
- Después de completar y firmar el formulario, **haga copias** para usted y para cada Demandante.

4. Presente el formulario en el tribunal donde lo han demandado.

Lleve el formulario a la corte o envíelo por correo a la dirección de la corte que se encuentra en los documentos de la demanda. Lo mejor es llevar el formulario completo a la corte para presentarlo rápidamente o llamar a la corte y preguntar si puede presentarlo en línea (e-file; el sistema de presentación electrónica).

Luego, envíe una copia del formulario por correo de primera clase al abogado del Demandante si figura uno en los documentos de la demanda. Si no aparece ningún abogado, envíelo por correo al Demandante a la dirección que indicó en la petición de demanda que le fue entregada. Si el Demandante aceptó recibir el servicio por correo electrónico, puede enviarlo a la dirección de correo electrónico que figura en la *petición*.

Envíe una copia del formulario al demandante en la fecha que escriba en el "Certificado de Entrega". Esta debe ser la misma fecha en que presente el formulario ante el tribunal.

Debe responder dentro de los **14 días** a partir del día en que recibe los documentos de la demanda. Es una buena idea responder incluso si cree que no cumplió con la fecha límite. Puede usar el formulario incluido con estas instrucciones o usar otro formulario de su elección para responder.

Si tiene un abogado, comuníquese con su abogado antes de tomar cualquier otro paso.

Que pasa después

Después de que la corte reciba su Formulario de Contestación, la corte le enviará por correo la hora y la fecha para presentarse en la corte para una **audiencia judicial**.

Asegúrese de ir a la audiencia judicial. **Si no se presenta, la corte probablemente fallará en su contra y perderá.** Puede presentarse con o sin un abogado.

En la audiencia, traiga información, documentos y testigos que respalden su posición. Esto incluye cosas como: extractos de tarjetas de crédito, facturas, recibos, facturas, cartas o cualquier prueba que pueda tener de que no debe la deuda.

Si tiene ingresos protegidos, por ejemplo, dinero del Seguro Social, jubilación, beneficios de veteranos, manutención de niños o desempleo, traiga prueba.

Formulario de Contestación para responder a una demanda de cobro de deudas

NÚM. DE CASO. _____

	§		EN EL TRIBUNAL DE JUSTICIA
	§		PRECINTO NÚM. _____
	§		NÚM. DE LUGAR. _____
	§		
contra.	§		
	§		CONDADO, TEXAS
DEMANDADO	§		

CONTESTACIÓN DEL DEMANDADO - CASO DE RECLAMO DE DEUDA

1. **Negación general:** Mi nombre es _____. Generalmente niego las alegaciones que ha hecho el Demandante y exijo que se prueben todas las alegaciones.

2. **Defensas Adicionales:**

Entiendo que no necesito proporcionar ninguna información además de mi nombre en la sección de Negación general anterior, pero me gustaría proporcionar más información a la corte.

No tengo esta deuda porque [Marque *solo* las casillas que correspondan a su situación. Si desea plantear otros temas no incluidos aquí, puede escribirlos en las líneas debajo de esta sección]:

<input type="checkbox"/> El Demandante no es el propietario original de la deuda y es posible que no pueda probar la propiedad de la deuda. <input type="checkbox"/> Ya pagué esta deuda en su totalidad o la liquidé con el acreedor original o alguien que compró la deuda. <input type="checkbox"/> La cuenta no es mi cuenta. No soy la persona que sacó esta deuda o no soy la persona que hizo los cargos a la cuenta. <input type="checkbox"/> Soy víctima de robo de identidad y no creé esta deuda. <input type="checkbox"/> Después de tomar mi propiedad como garantía de este préstamo, el acreedor o su representante no me dieron aviso adecuado de la venta de mi propiedad. <i>(Debería haber recibido un aviso antes de la venta).</i> <input type="checkbox"/> Después de tomar mi propiedad, el acreedor no vendió la propiedad de una manera "comercialmente razonable". <i>(Se requiere que el acreedor venda la propiedad de manera que recaude la mayor cantidad de dinero y reduzca su posible deuda).</i>	<input type="checkbox"/> Esta deuda se canceló en la quiebra o es parte de un caso de quiebra actual. <i>Mi número de caso de bancarota es:</i> _____. <input type="checkbox"/> El plazo de prescripción de la deuda ha expirado. <i>(El estatuto de limitaciones generalmente es de cuatro años a partir de la fecha en que su cuenta entró en incumplimiento, después de que dejó de pagar).</i> <input type="checkbox"/> Ya he sido demandado por esta deuda y un tribunal tomó una decisión sobre esta deuda en un fallo o desestimación del caso. <input type="checkbox"/> Esta deuda fue resuelta en arbitraje. <input type="checkbox"/> Compré un plan de protección de crédito para cancelar o hacer pagos de esta deuda si quedara discapacitado o perdiera mi trabajo. Quedé discapacitado, perdí mi trabajo, o ambos, y notifiqué al acreedor o al cobrador sobre mi situación.
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Si hay otras razones por las que no debe esta deuda, puede enumerarlas aquí. También puede usar este espacio para informarle al tribunal si sus ingresos están protegidos contra el cobro de deudas.

Ejemplos de ingresos protegidos: ingresos de jubilación como el Seguro Social, una pensión o un 401(k), beneficios de jubilación ferroviaria, beneficios de veteranos, Seguridad de Ingreso Suplementario, ingresos por discapacidad, manutención del cónyuge y de los hijos, beneficios de desempleo, compensación de trabajadores y beneficios públicos, beneficios como los beneficios de FEMA o TANF.

Adjunte hojas de papel a este formulario si necesita más espacio.

3. LUGAR DE EVENTOS: Marque esta casilla solo si la siguiente declaración se aplica a usted:

No vivo en el condado o precinto de la corte donde he sido demandado. Pido que este caso sea transferido a la corte correcta.

4. SOLICITUD DE JURADO: Elige uno:

Solicito un juicio con jurado. (La tarifa es de \$22 y debe pagarse al menos 14 días antes del juicio. No hay tarifa si presenta un formulario de Declaración de Incapacidad para pagar los costos judiciales ante la corte. Este formulario se puede encontrar en la corte o en línea.

No solicito un jurado en este momento.

5. ALIVIO SOLICITADO:

Yo reservo el derecho de presentar una Contestación Enmendada ante el tribunal para alegar otras defensas después de una mayor investigación y descubrimiento.

Solicito que el tribunal dicte sentencia en mi nombre, el demandado, me otorgue mis costos y cualquier otra reparación a la que tenga derecho.

Respetuosamente sometido,

Su firma

Nombre Escrito

Dirección: _____

Teléfono: _____

Correo electrónico: _____

(complete esto solo si tiene un correo electrónico que revisa diariamente)

CERTIFICADO DE SERVICIO

Certifico que se envió una copia de esta contestación al abogado del Demandante (o al Demandante si no está representado por un abogado) el (escriba la fecha en el espacio en blanco) _____ de conformidad con la Regla de Procedimiento Civil de Texas 501.4 por:

Entrega personal a esta dirección:

Correo a esta dirección:

Fax a este número:

Correo electrónico (*solo permitido si el Demandante proporcionó una dirección de correo electrónico en su petición y aceptó recibir el servicio por correo electrónico*) a esta dirección de correo electrónico:

Otro método aprobado por el tribunal:

Su firma

[Traducido por Tere Aguayo y revisado por Papi Salgado de COMAL LJC, una colectiva de justicia de lenguaje]

Debt Collection Letter Packet – Scenario 2, English

Debt Collection Lawsuit Notice

from Justice of the Peace, Precinct 6, Place 2

Dear Alicia Debtor:

You have been sued to collect a debt: ABC Auto Loan Finance f/k/a Cars R US says you owe them \$6,847.48

You should have a copy of the lawsuit papers. They may have been given to someone where you live, or they may have come in the mail in the past week or so.

The lawsuit papers include a *petition* from the person or business suing you and a *citation* from this court. The papers explain who is suing you and how much they say you owe, and they tell you the specific court where you are being sued. Contact this court if you do not have the lawsuit papers.

File an answer. This letter includes an **Answer Form** and instructions to fill it out and file it with the court. It is important to respond in writing to the lawsuit no later than 14 days after you get the lawsuit papers. It is a good idea to respond, even if you think you might be late.

If you do not respond, you will probably lose this case. If you lose, the person suing you will get a judgment against you, which means:

- The person suing you can use the judgment to take money from your bank account without warning and may be able to take some of your property to pay off the debt.
- The judgment could make it hard for you to get a loan in the future.

Get Help

You may want to speak with a lawyer.

Tips to access free and low-cost legal services and information are available online at: [TexasLawHelp.org](https://www.texaslawhelp.org) or [txcourts.gov/programs-services/legal-aid](https://www.txcourts.gov/programs-services/legal-aid)

To reach the State Bar Lawyer Referral Service, call: (800) 252-9690. Tell them that you need a collection defense lawyer, or a consumer lawyer.

The Legal Aid office serving this county is: Texas RioGrande Legal Aid, (888) 988-9996

Your case number:
8675309

Case caption:
ABC Auto Loan Finance f/k/a
Cars R Us v. Alicia Debtor

Date: April 20, 2022

Plaintiff or Plaintiff's attorney:
Daniel Debtcollector
1111 N Debt Collection Ave.
Austin, TX 12345
(800) 000-0000

Court:
JP Pct. 6, Place 2
500 Justice St.
Austin, TX 12345
(555) 555-5555

Clerk:
Jerry Justice

If you have any questions, please contact the court clerk: Monday-Friday between 9 a.m. and 5 p.m., at (555) 555-5555

This is an important notice from the court. Please read it carefully.

Instructions

- 1. Read the lawsuit papers** (citation and petition) that were delivered to you to learn:
 - Who is suing you
 - How much they say you owe them
 - Where they are suing you – which court in which county
 - How to contact the person suing you or their attorney
- 2. Get any information you have about the debt.** This includes things like: credit card statements, bills, receipts, invoices, letters, or any proof you might have that you don't owe the debt. In the lawsuit papers, you are the Defendant. The person suing you is the Plaintiff. You may not recognize the name of the Plaintiff. Often, debts are sold to companies called *debt buyers*. Debt buyers try to collect the debts they buy, and this is legal. Respond to the lawsuit even if you do not recognize the name of the company suing you.
- 3. Fill out the Answer Form.** Some tips for how to fill out the form:
 - Top of the Answer Form: if it is not already filled out, write the name of the Plaintiff (who is suing you) and Defendant (You) just as they appear in the citation you received in the lawsuit papers.
 - Section 1: Put your name in the space after "My name is".
 - Section 2: You can fill out the Additional Defenses section by checking boxes that apply to you. You do not need to fill out this section if none of the boxes apply. You must answer truthfully. You can also share more information in the lines provided at the end of Section 2.
 - Even if you owe the debt, you may not have to pay if your income is protected. In the form, there is space to list why your income might be protected. Some examples of protected income are: money from Social Security or other retirement funds, veterans benefits, child support, disability income, unemployment benefits, or FEMA benefits.
 - Sign the Answer Form in the space marked "Your Signature," and print your name and the date.
 - Under your signature, write your mailing address, your phone number, and, if you use email and check it daily, your email address.
 - Fill out the "Certificate of Service" on the last page of the Answer Form. Put in the date for *when* you will deliver a copy to the Plaintiff and check the box showing *how* you will deliver a copy of the form to the Plaintiff.
 - After you fill out and sign the form, **make copies** for yourself and each Plaintiff.
- 4. File the form with the court where you have been sued.**

Take the form to the court or mail it to the court address in the lawsuit papers. It is best to take the completed form to the court to file it quickly or call the court and ask if you can file it online (e-file).

Then mail a copy of the form by first-class mail to the Plaintiff's attorney if one is listed on the lawsuit papers. If no attorney is listed, mail it to the Plaintiff at the address they put in the lawsuit *petition* that was delivered to you. If the Plaintiff agreed to receive service by email, you may send it to the email address listed in the *petition*.

Send a copy of the form to the plaintiff on the date you write on the "Certificate of Service." This should be the same date you file the form with the court.

You should respond within **14 days** from the day you get the lawsuit papers. It is a good idea to respond even if you think you missed the deadline. You can use the form included with these instructions or use another form of your choosing to respond.

If you have a lawyer, contact your lawyer before you take any further steps.

What happens next

After the court gets your Answer Form, the court will mail you the time and date to come to court for a **hearing**.

Make sure to go to the hearing. **If you do not show up, the court will probably rule against you and you will lose.** You can show up with or without a lawyer.

At the hearing, bring information, documents, and witnesses that support your side. This includes things like: credit card statements, bills, receipts, invoices, letters, or any proof you might have that you don't owe the debt.

If you have protected income—for example money from Social Security, retirement, veteran's benefits, child support, or unemployment—bring proof.

Answer Form to Respond to a Debt Collection Lawsuit

CAUSE NO. _____

PLAINTIFF

§
§
§
§
§
§
§

IN THE JUSTICE COURT
PRECINCT NO. _____
PLACE NO. _____

v.

DEFENDANT

_____ COUNTY, TEXAS

DEFENDANT'S ANSWER - DEBT CLAIM CASE

1. General Denial: My name is _____.
I generally deny the allegations that Plaintiff has made and demand that all allegations be proven.

2. Additional Defenses:
I understand that I do not need to provide any information other than my name in the above General Denial section, but I would like to provide more information to the court.

I do not owe this debt because [Check **only** the boxes that apply to your situation. If you would like to raise other issues not included here, you can write them in the lines below this section]:

<p><input type="checkbox"/> The Plaintiff is not the original owner of the debt and may not be able to prove ownership of the debt.</p> <p><input type="checkbox"/> I already paid this debt in full or settled it with the original creditor or someone who bought the debt.</p> <p><input type="checkbox"/> The account is not my account. I am not the person who took out this debt or I am not the person who made the charges to the account.</p> <p><input type="checkbox"/> I am a victim of identity theft and I did not create this debt.</p> <p><input type="checkbox"/> After taking my property securing this loan, the creditor or its representative did not give me proper notice of the sale of my property. (<i>You should have received a notice before sale.</i>)</p> <p><input type="checkbox"/> After taking my property, the creditor did not sell the property in a "commercially reasonable" manner. (<i>The creditor is required to sell the property in a way to raises the most money and lowers your possible debt.</i>)</p>	<p><input type="checkbox"/> This debt was discharged in bankruptcy or is part of a current bankruptcy case. <i>My bankruptcy case number is:</i> _____</p> <p><input type="checkbox"/> The statute of limitations on the debt has expired. (<i>The statute of limitations is generally four years from the date your account went into default—after you stopped paying.</i>)</p> <p><input type="checkbox"/> I have already been sued on this debt and a court made a decision about this debt in a judgment or case dismissal.</p> <p><input type="checkbox"/> This debt was resolved in arbitration.</p> <p><input type="checkbox"/> I bought a credit protection plan to cancel or make payments on this debt if I became disabled or lost my job. I became disabled, lost my job, or both, and I notified the creditor or collector about my situation.</p>
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If there are other reasons you do not owe this debt, you may list them here. You can also use this space to let the court know if your income is protected from debt collection.

Examples of protected income: retirement income like Social Security, a pension, or a 401(k), Railroad Retirement benefits, veterans' benefits, Supplemental Security Income, disability income, spousal and child support, unemployment benefits, workers' compensation, and public benefits like FEMA benefits or TANF.

Attach sheets of paper to this form if you need more space.

3. **VENUE:** Check this box only if the following statement applies to you:

I do not live in the county or precinct of the court where I have been sued. I ask that this case be transferred to the correct court.

4. **JURY REQUEST:** Choose one:

I request a jury trial. (The fee is \$22 and must be paid at least 14 days before trial. There is no fee if you file a *Statement of Inability to Afford Payment of Court Cost* form with the court. This form can be found at the court or online.

I do not request a jury at this time.

5. **RELIEF REQUESTED:**

I reserve the right to file an Amended Answer with the court to plead other defenses after further investigation and discovery.

I request that the court enter judgment for me, the Defendant, award me my costs, and for any other relief to which I am entitled.

Respectfully submitted,

Your signature

Printed name

Address: _____

Telephone _____

Email: _____

(fill this out only if you have an email that you check daily)

CERTIFICATE OF SERVICE

I certify that a copy of this answer was sent to the Plaintiff's attorney (or the Plaintiff if they are not represented by an attorney) on (write the date in the blank) _____ in compliance with Texas Rule of Civil Procedure 501.4 by:

Personal delivery to this address:

Mail to this address:

Fax to this number:

Email (*only allowed if Plaintiff provided an email address in their petition and agreed to receive service by email*) to this email address:

Another method approved by the court:

Your Signature

Debt Collection Letter Packet – Scenario 2, Spanish

Aviso de Cobro de Deudas

de Tribunal de Justicia, Precinto 6, Lugar 2

Estimado Alicia Debtor:

Ha sido demandado para cobrar una deuda: ABC Auto Loan Finance f/k/a Cars R Us dice que le debe \$6,847.48

Debe tener una copia de los documentos de la demanda. Es posible que se los hayan entregado a alguien en el lugar donde vive, o que hayan llegado por correo durante la última semana más o menos.

Los documentos de la demanda incluyen una *solicitud* de la persona o empresa que le está demandando y una *citación* de este tribunal. Los documentos explican quién lo está demandando y cuánto dicen que debe, y le dicen el tribunal específico donde lo están demandando. Comuníquese con este tribunal si no tiene los documentos de la demanda.

Presente una contestación. Esta carta incluye un **Formulario de Contestación** e instrucciones para completarlo y presentarlo ante el tribunal. Es importante responder por escrito a la demanda no más tarde de 14 días después de recibir los documentos de la demanda. Es una buena idea responder, incluso si cree que puede llegar tarde.

Si no responde, probablemente perderá este caso. Si pierde, la persona que lo demanda obtendrá un juicio en su contra, lo que significa:

- La persona que lo está demandando puede usar el fallo para tomar dinero de su cuenta bancaria sin previo aviso y puede tomar parte de su propiedad para pagar la deuda.
- La sentencia podría dificultar la obtención de un préstamo en el futuro.

Consigue Ayuda

Deberías hablar con un abogado.

Consejos para acceder a información y servicios legales gratuitos y de bajo costo están disponibles en línea en: [TexasLawHelp.org](https://www.texaslawhelp.org) o [txcourts.gov/programs-services/legal-aid](https://www.txcourts.gov/programs-services/legal-aid)

Para comunicarse con el Servicio de Referencia de Abogados del Colegio de Abogados del Estado, llame al: (800) 252-9690. Dígales que necesita un abogado defensor de cobro o un abogado de consumidores.

La oficina de Asistencia Legal que atiende a este condado es: [número de teléfono de admisión de la asistencia legal local].

Su número de caso:
8675309

Nombre del Caso:
ABC Auto Loan Finance f/k/a Cars R Us v. Alicia Debtor

Fecha: April 20, 2022

Demandante o Abogado del Demandante:
Daniel Debtcollector
1111 N Debt Collection Ave.
Austin, TX 12345
(800) 000-0000

Tribunal:
JP Pct. 6, Place 2
500 Justice St.
Austin, TX 12345
(555) 555-5555

Secretario Judicial:
Jerry Justice

Si tiene alguna pregunta, comuníquese con el secretario judicial: de lunes a viernes, de 9 a. m. a 5 p. m., al [inserte el número de teléfono de la corte].

Este es un aviso importante de la corte. Por favor, léalo detenidamente.

Instrucciones

1. Leer los papeles de la demanda (citación y solicitud) que fueron entregados a usted para aprender:

- Quién lo está demandando
- Cuánto dicen que les debe
- Dónde lo están demandando, en qué tribunal de qué condado
- Cómo contactar a la persona que lo está demandando o a su abogado

2. Obtenga cualquier información que tenga sobre la deuda. Esto incluye cosas como: extractos de tarjetas de crédito, cuentas, recibos, facturas, cartas o cualquier prueba que pueda tener de que no debe la deuda. En los documentos de la demanda, usted es el Demandado. La persona que lo está demandando es el Demandante. Es posible que no reconozca el nombre del Demandante. A menudo, las deudas se venden a empresas denominadas *compradores de deudas*. Los compradores de deudas tratan de cobrar las deudas que compran, y esto es legal. Responda a la demanda, aunque no reconozca el nombre de la empresa que lo está demandando.

3. Complete el Formulario de Contestación. Algunos consejos sobre cómo llenar el formulario:

- Parte superior del Formulario de Contestación: si aún no lo ha completado, escriba el nombre del demandante (que lo está demandando) y del demandado (usted) tal como aparecen en la citación que recibió en los documentos de la demanda.
- Sección 1: Ponga su nombre en el espacio después de "Mi nombre es".
- Sección 2: Puede completar la sección Defensas Adicionales marcando las casillas que correspondan a su caso. No es necesario que llene esta sección si no corresponde ninguna de las casillas. Debe responder con la verdad. También puede compartir más información en las líneas provistas al final de la Sección 2.
- Incluso si debe la deuda, es posible que no tenga que pagar si sus ingresos están protegidos. En el formulario, hay espacio para indicar por qué sus ingresos podrían estar protegidos. Algunos ejemplos de ingresos protegidos son: dinero del Seguro Social y otros fondos de jubilación, beneficios de veteranos, pensión alimenticia, ingresos por discapacidad, beneficios de desempleo o beneficios de FEMA.
- Firme el Formulario de Contestación en el espacio marcado como "Su firma" y escriba su nombre y la fecha en letra de imprenta.
- Debajo de su firma, escriba su dirección postal, su número de teléfono y, si usa el correo electrónico y lo revisa a diario, su dirección de correo electrónico.
- Complete el "Certificado de entrega" en la última página del Formulario de Contestación. Escriba la fecha en la que entregará una copia al Demandante y marque la casilla que muestra cómo entregará una copia del formulario al Demandante.
- Después de completar y firmar el formulario, **haga copias** para usted y para cada Demandante.

4. Presente el formulario en el tribunal donde lo han demandado.

Lleve el formulario a la corte o envíelo por correo a la dirección de la corte que se encuentra en los documentos de la demanda. Lo mejor es llevar el formulario completo a la corte para presentarlo rápidamente o llamar a la corte y preguntar si puede presentarlo en línea (e-file; el sistema de presentación electrónica).

Luego, envíe una copia del formulario por correo de primera clase al abogado del Demandante si figura uno en los documentos de la demanda. Si no aparece ningún abogado, envíelo por correo al Demandante a la dirección que indicó en la petición de demanda que le fue entregada. Si el Demandante aceptó recibir el servicio por correo electrónico, puede enviarlo a la dirección de correo electrónico que figura en la *petición*.

Envíe una copia del formulario al demandante en la fecha que escriba en el "Certificado de Entrega". Esta debe ser la misma fecha en que presente el formulario ante el tribunal.

Debe responder dentro de los **14 días** a partir del día en que recibe los documentos de la demanda. Es una buena idea responder incluso si cree que no cumplió con la fecha límite. Puede usar el formulario incluido con estas instrucciones o usar otro formulario de su elección para responder.

Si tiene un abogado, comuníquese con su abogado antes de tomar cualquier otro paso.

Que pasa después

Después de que la corte reciba su Formulario de Contestación, la corte le enviará por correo la hora y la fecha para presentarse en la corte para una **audiencia judicial**.

Asegúrese de ir a la audiencia judicial. **Si no se presenta, la corte probablemente fallará en su contra y perderá.** Puede presentarse con o sin un abogado.

En la audiencia, traiga información, documentos y testigos que respalden su posición. Esto incluye cosas como: extractos de tarjetas de crédito, facturas, recibos, facturas, cartas o cualquier prueba que pueda tener de que no debe la deuda.

Si tiene ingresos protegidos, por ejemplo, dinero del Seguro Social, jubilación, beneficios de veteranos, manutención de niños o desempleo, traiga prueba.

Formulario de Contestación para responder a una demanda de cobro de deudas

NÚM. DE CASO. _____

_____	§	EN EL TRIBUNAL DE JUSTICIA
DEMANDANTE	§	PRECINTO NÚM. _____
	§	NÚM. DE LUGAR. _____
	§	
contra.	§	
_____	§	_____ CONDADO, TEXAS
DEMANDADO	§	

CONTESTACIÓN DEL DEMANDADO - CASO DE RECLAMO DE DEUDA

1. Negación general: Mi nombre es _____. Generalmente niego las alegaciones que ha hecho el Demandante y exijo que se prueben todas las alegaciones.

2. Defensas Adicionales:

Entiendo que no necesito proporcionar ninguna información además de mi nombre en la sección de Negación general anterior, pero me gustaría proporcionar más información a la corte.

No tengo esta deuda porque [Marque **solo** las casillas que correspondan a su situación. Si desea plantear otros temas no incluidos aquí, puede escribirlos en las líneas debajo de esta sección]:

<p><input type="checkbox"/> El Demandante no es el propietario original de la deuda y es posible que no pueda probar la propiedad de la deuda.</p> <p><input type="checkbox"/> Ya pagué esta deuda en su totalidad o la liquidé con el acreedor original o alguien que compró la deuda.</p> <p><input type="checkbox"/> La cuenta no es mi cuenta. No soy la persona que sacó esta deuda o no soy la persona que hizo los cargos a la cuenta.</p> <p><input type="checkbox"/> Soy víctima de robo de identidad y no creé esta deuda.</p> <p><input type="checkbox"/> Después de tomar mi propiedad como garantía de este préstamo, el acreedor o su representante no me dieron aviso adecuado de la venta de mi propiedad. <i>(Debería haber recibido un aviso antes de la venta).</i></p> <p><input type="checkbox"/> Después de tomar mi propiedad, el acreedor no vendió la propiedad de una manera "comercialmente razonable". <i>(Se requiere que el acreedor venda la propiedad de manera que recaude la mayor cantidad de dinero y reduzca su posible deuda).</i></p>	<p><input type="checkbox"/> Esta deuda se canceló en la quiebra o es parte de un caso de quiebra actual. <i>Mi número de caso de bancarrota es:</i> _____.</p> <p><input type="checkbox"/> El plazo de prescripción de la deuda ha expirado. <i>(El estatuto de limitaciones generalmente es de cuatro años a partir de la fecha en que su cuenta entró en incumplimiento, después de que dejó de pagar).</i></p> <p><input type="checkbox"/> Ya he sido demandado por esta deuda y un tribunal tomó una decisión sobre esta deuda en un fallo o desestimación del caso.</p> <p><input type="checkbox"/> Esta deuda fue resuelta en arbitraje.</p> <p><input type="checkbox"/> Compré un plan de protección de crédito para cancelar o hacer pagos de esta deuda si quedara discapacitado o perdiera mi trabajo. Quedé discapacitado, perdí mi trabajo, o ambos, y notifiqué al acreedor o al cobrador sobre mi situación.</p>
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Si hay otras razones por las que no debe esta deuda, puede enumerarlas aquí. También puede usar este espacio para informarle al tribunal si sus ingresos están protegidos contra el cobro de deudas.

Ejemplos de ingresos protegidos: ingresos de jubilación como el Seguro Social, una pensión o un 401(k), beneficios de jubilación ferroviaria, beneficios de veteranos, Seguridad de Ingreso Suplementario, ingresos por discapacidad, manutención del cónyuge y de los hijos, beneficios de desempleo, compensación de trabajadores y beneficios públicos, beneficios como los beneficios de FEMA o TANF.

Adjunte hojas de papel a este formulario si necesita más espacio.

3. LUGAR DE EVENTOS: Marque esta casilla solo si la siguiente declaración se aplica a usted:

No vivo en el condado o precinto de la corte donde he sido demandado. Pido que este caso sea transferido a la corte correcta.

4. SOLICITUD DE JURADO: Elige uno:

Solicito un juicio con jurado. (La tarifa es de \$22 y debe pagarse al menos 14 días antes del juicio. No hay tarifa si presenta un formulario de Declaración de Incapacidad para pagar los costos judiciales ante la corte. Este formulario se puede encontrar en la corte o en línea.

No solicito un jurado en este momento.

5. ALIVIO SOLICITADO:

Yo reservo el derecho de presentar una Contestación Enmendada ante el tribunal para alegar otras defensas después de una mayor investigación y descubrimiento.

Solicito que el tribunal dicte sentencia en mi nombre, el demandado, me otorgue mis costos y cualquier otra reparación a la que tenga derecho.

Respetuosamente sometido,

Su firma

Nombre Escrito

Dirección: _____

Teléfono: _____

Correo electrónico: _____

(complete esto solo si tiene un correo electrónico que revisa diariamente)

CERTIFICADO DE SERVICIO

Certifico que se envió una copia de esta contestación al abogado del Demandante (o al Demandante si no está representado por un abogado) el (escriba la fecha en el espacio en blanco) _____ de conformidad con la Regla de Procedimiento Civil de Texas 501.4 por:

Entrega personal a esta dirección:

Correo a esta dirección:

Fax a este número:

Correo electrónico (*solo permitido si el Demandante proporcionó una dirección de correo electrónico en su petición y aceptó recibir el servicio por correo electrónico*) a esta dirección de correo electrónico:

Otro método aprobado por el tribunal:

Su firma

[Traducido por Tere Aguayo y revisado por Papi Salgado de COMAL LJC, una colectiva de justicia de lenguaje]