

MINNESOTA PRACTICE SERIES™

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Collections Handbook

2025-2026 Edition

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INTRODUCTION TO 2025-2026 EDITION

Reviewing consumer law developments, the last year has been characterized by the absence of landmark cases resolving collection and other consumer issues. However, there is considerable confusion and a lack of direction in Washington with respect to the future of the Consumer Financial Protection Bureau, (CFPB), which shares consumer enforcement responsibility with the Federal Trade Commission.

The CFPB announced it will decrease exams of regulated industries by 50%, and focus on the most common consumer complaints. And then, in February of 2025, Russell Vought, Director of the Office of Management and Budget, was ordered by President Trump to stop all regulatory activity. The future of CFPB remains uncertain.

THE CFPB MEDICAL OPINION

Previously, on October 24, 2024, the CFPB issued an advisory opinion, proclaiming the collection or reporting of various categories of medical debt to be a violation of the FDCPA and of Federal regulations. The CFPB then amended the rule to prohibit credit reporting of any unpaid medical debt of less than \$500, which has since been expanded to apply to all medical debt. As of October 2, 2024, the State of Minnesota has banned the reporting of medical debt information on credit reports. Minn. Stat. § 332C.03.

A review of recent reported decisions shows that Article 111 Standing questions are the most prevalent subjects for court decisions. The Standing issue is the key jurisdictional requirement set in the Spokeo decision, 136 S. Ct. 1540 (2016). The lack of a concrete tangible occurrence has been litigated repeatedly but there are no specific articulable fact scenarios, and litigation proceeds on a case-by-case factual basis.

The Minnesota Legislature has now issued updated forms for garnishments, levies, and associated procedures to match the procedural updates from 2024.

Acknowledgment

True credit for this volume belongs to my dedicated, knowledgeable, and hardworking staff, including Janet Moen and Terri Kolhoff. Without their help, this book would have been an impossibility.

How to Use This Manual

Chapters 1 through 7 of this manual provide a somewhat chronologically oriented analysis of procedures and statutes beginning prior to acceptance of a claim by your office, culminating with the post judgment remedies. It is a plainly spoken combination of analysis and recommendation.

Chapter 8 focuses on compliance with the Fair Debt Collection Practices Act. While recommendations are integrated throughout the text, the unfamiliar must read chapter 8 in order to get a realistic understanding of the applications of the Fair Debt Collection Practices Act.

Chapter 9 begins a procedural step by step “how to” section, and includes references to the specific forms, affidavits, orders, and suggestions necessary to accomplish each step in the process.



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