

## Debts and Deceased Relatives

[Federal Trade Commission](#) [1]

This article, excerpted from [material created by the Federal Trade Commission](#) [2], tells how the Fair Debt Collection Practices Act (FDCPA) protects survivors from the debts of deceased relatives.

### Does a debt go away when the debtor dies?

No. The deceased person's [estate](#) [3] owes the debt. If there isn't enough money left cover the debt, it may go unpaid. You may be responsible for the debt if you:

- co-signed the obligation;
- live in a community property state, such as California;
- are the deceased person's spouse and state law requires you to pay a particular type of debt, like some health care expenses; or
- were legally responsible for resolving the estate and didn't comply with certain state probate laws.

If you have questions about whether you are obligated to pay a deceased person's debts from your own assets, talk to a lawyer.

Read more about [Debts and Deceased Relatives](#) [4] at [consumer.ftc.gov](http://consumer.ftc.gov).

### Who has the authority to pay the deceased person's debt out of his or her assets?

The person who is responsible for settling a deceased person's affairs. If they died without a will, that person is called an executor. If there is no will, learn more here: [Probating an Estate Without a Will](#) [5].

### Can a debt collector talk to me about a deceased person's debt?

Under the FDCPA, collectors can contact and discuss a deceased person's debts with their:

- surviving spouse,
- parents (if the deceased was a minor),
- guardian,
- executor, and
- any other person authorized to pay debts with assets from the deceased person's estate.

Read more about [Debts and Deceased Relatives](#) [4] at [consumer.ftc.gov](http://consumer.ftc.gov) [6].

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#### Links

[1] <https://texaslawhelp.org/directory/legal-resource/federal-trade-commission>

[2] <http://www.consumer.ftc.gov/articles/0081-debts-and-deceased-relatives>

[3] <http://www.statutes.legis.state.tx.us/Docs/ES/htm/ES.22.htm#22.012>

[4] <https://www.consumer.ftc.gov/articles/0081-debts-and-deceased-relatives>

[5] <https://texaslawhelp.org/article/probating-estate-without-will>

[6] <https://www.consumer.ftc.gov/>