

INSTRUCTION SHEET FOR WORTHLESS CHECKS

(Note – forms can be downloaded from www.dgcoda.com)

1. In order to determine if your check is one in which we can prosecute, you must be able to answer “yes” to the following questions:
 - a. Was the check passed in Douglas County, Kansas?
 - b. Was the check returned either Insufficient Funds or Account Closed?
 - c. Are you able to positively identify the maker of the check either by personal knowledge or through means of identification taken at the time the check was passed?
 - d. Are you prepared to see the prosecution of the check through even though you may receive restitution?
 - e. If the check was postdated, or the maker of the check asked you to hold the check, did you present the check for payment either on or following postdated or held date?
2. You are required to send a letter, such as the one enclosed, to the maker of the check at the address reflected on the check. If you have a better address, then a letter should be sent to that address in addition to the one sent to the address given on the check. The letter must be sent by **certified mail, restricted delivery, with a return receipt requested**. If the letter is sent correctly, it is presumed that legal notice has been given whether or not the check writer receives the letter. It will cost you approximately \$ 10.04 in postage to send the letter the correct way.
3. You are allowed, under K.S.A. 21-3707, to request a service charge not exceeding \$30 on the returned check. After your check is submitted to our office we will make all attempts to collect this additional \$30.
4. After you have received the return receipt (green card) or the letter has been returned to you, bring the check, or certified copy of the check, a copy of the letter you sent, the return receipt or undelivered letter (whichever is applicable), along with the completed Offense Report and Affidavit of Prosecution to this office. You must complete a separate Affidavit of Prosecution and Offense Report for each check and the affidavit must be notarized. This office will not accept bad checks for prosecution unless the Offense Report and Affidavit of Prosecution have been completed accompanied by all supporting documentation.
5. After you submit your checks for prosecution, we will mail you a receipt for the bad check. In most cases, our office will attempt to contact the bad check writer by mail giving him/her seven days to pay the check through the District Attorney’s office before criminal charges are filed. If the bad check writer does not respond to our attempts, we will file a criminal charge against him/her. Either a summons or a warrant may be issued for the maker of the check. You will be notified by subpoena to appear if a hearing or trial is scheduled. We also subpoena the person who accepted the check, the person who wrote the certified letter, and the person who mailed the certified letter.
6. Once the check is submitted to the office, it is imperative that restitution be paid to us. **Please do not accept restitution** directly from the bad check writer. If you receive restitution through the mail, notify us at once!

If you have any questions or problems, please feel free to call the Check Division office at 841-0211, option #3, Dorothy Kliem, will be happy to answer your questions.

Revised March 2012