

# Stanton County Attorney

## Worthless Check Policy and Procedure

Did you know that turning over “hot checks” to the county attorney for prosecution can be an effective way of recovering your money? We will prosecute “hot checks” but there are a few things you, the Merchant, need to know for us to do our job.

Kansas statutes require that when a merchant receives a worthless check, they must notify the check writer by certified mail, return receipt requested at his/her last known address. It is the policy of the County Attorney’s Office that we will prosecute any check marked by the bank as “insufficient funds” or “account closed” but only after the Written Notice form has been sent to the check writer by the merchant.

Once the merchant mails the certified letter, the check writer has seven (7) days from the time he/she receives the letter to pay the merchant. Once the seven days has expired, please bring the following items to our office:

1. The original check
2. Proof of certified mailing of Written Notice form (either the green card or the returned letter)
3. A copy of the Written Notice
4. A completed Affidavit for Prosecution, unsigned.
5. A Worthless Check Receipt with merchant and check writer information completed, to be signed by the person at the County Attorney’s office accepting the check.

\*\* On the Worthless Check Receipt, multiple checks by the same check writer may be listed on same receipt.

If the certified letter is returned from the Post Office without delivery having been made, you can immediately bring the above mentioned items to the office and charges will be filed immediately.

After you bring in the above documents, the complaint will be prepared. The office will call you when the complaint is ready for you to sign. The complaint and affidavit are then filed with the District Court.

**\* PLEASE NOTE: This office is unable to pursue criminal charges on any check where partial payment has been accepted. Any negotiations for additional time need to be made before the check is delivered to our office. If a merchant has accepted partial payment, a petition will need to be filed in civil court.**

A merchant may assess a service charge not to exceed \$30.00; however, the amount must be posted in a conspicuous location. The service charge needs to be identified on the Written Notice form when mailed to the check writer. Once a check is delivered to our office, a \$30.00 service charge will be requested. This amount is set by Kansas statutes.

**Also, it is absolutely necessary that a driver's license number, date of birth, social security number and physical address be written on the check, in order for the Sheriff's Office to actively pursue an individual on a summons or warrant. Please instruct your employees to obtain all of the listed identifiers. Without that crucial information, THIS OFFICE WILL BE UNABLE TO PURSUE THE CASE.**

Please find enclosed all the forms referred to above. Feel free to make photocopies as you need them. If you have any questions, please contact the County Attorney's Office at (620) 492-6888.

David C. Black  
Stanton County Attorney