

The Bad Check Process

Our Bad Check Division is a diversion program designed to save both merchants and bad check writers the necessity of a court appearance. The Division has collected millions of dollars of restitution for local merchants since its inception nearly 15 years ago.

Once a check is brought to us for collection, we ask to keep the original and make a copy for the merchant. We then send the check writer a letter and deposit slip showing how much is owed and all the information on the check. If the face amount of the check and the \$50 merchant and Division fees are not paid within 17 days, we may begin criminal prosecution.

If the check writer has not paid within the allotted time, we prepare a criminal complaint for the merchant's signature.

The signed complaint is then reviewed by a judge and a summons or warrant is issued, which is sent to the appropriate law enforcement agency for service. Once the complaint is served on the check writer, a court date will be set.

The check writer must then appear in court to set up payment arrangements and pay court costs.

Frequently Asked Questions

- 1. Does it cost to use the County Attorney's service?**
 - No, there is no cost to the merchant. In fact, the merchant is entitled to a fee of up to **\$50** to be paid by the bad check writer.
- 2. What is the success rate of collection?**
 - We collect restitution and a \$50 fee on 75% to 80% of all bad checks turned over to us.
- 3. After the Division's letter has gone out, what is the next step?**
 - The check writer has 17 business days to respond to our letter. Merchants are encouraged contact us around 20 days after turning the check over to sign a criminal complaint.
- 4. How will I know if the check writer paid?**
 - Merchants are reimbursed weekly if the restitution has been made by the check writer.
- 5. Does the owner of the store have to personally sign a complaint on a check?**
 - No, any employee with permission from the owner/manager can sign.

Henderson County Attorney's Bad Check Division



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What is a Bad Check?

A bad check is a check that is not honored when presented to the bank. The bank may indicate that the check wasn't honored due to insufficient funds, account closed, stopped payment or some other reason.

If the bank returns a check to you or informs you that the check wasn't honored, then contact the Bad Check Division to determine whether your check can be collected. In the most situations, we can process your bad check through our program.

Who uses the Bad Check Division?

The Bad Check Division serves most businesses in Henderson County, including pharmacies, grocery stores, retail stores, restaurants, daycares, government offices, attorneys, doctors, electricians, civic organizations, car repair shops, florists, hotels, gas stations and etc. We serve business ranging from corporate conglomerates to mom-and-pop shops.

It is our goal to provide effective prosecution and efficient collection efforts to the victims in all bad check cases. Every bad check written affects us all and we must work together to help stop this crime. Our office strives to provide top-notch customer service to every victim, whether your business is large or small.

We cannot accept the following types of checks:

- Checks that do not show payee, date, amount or signature.
- Checks given for past due rent.
- Checks that are pre-dated or post-dated, or where an agreement was made to hold the check for later payment.
- Checks for which you have later accepted partial payment.
- Checks for which identification of the check writer and person accepting the check cannot be ascertained.
- Checks not written or passed in Henderson County.
- Third-party checks.
- Checks over one (1) year old, unless over \$500.



Tips for Accepting Checks

1. Institute a check acceptance policy.
2. Confirm the identity of the check writer by viewing a picture ID.
3. Write down pertinent information: operator's license number, date of birth, or social security number on the check—all as legibly as possible.
4. Whenever possible avoid accepting checks written on a new account.
5. The signature should be legible and signed in the presence of the individual accepting the check.
6. If the only address imprinted on the check is a post office box, then write the complete address on the check.
7. Accept checks only written with the current day's date.
8. Make sure written amounts and numbers correspond.
9. Avoid accepting checks from a different state and third party checks.
10. Avoid accepting checks from an individual if they have already written you a cold check.
11. Do not allow the check writer to put their own information on the check.
12. If you have concerns about a check, call the bank it is drawn on to verify.
13. Remember that you are under no obligation to accept a check.