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Office of McHenry County State's Attorney  
**Check Enforcement Program**

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P. O. Box 1059  
Woodstock, IL 60098-1059  
815-334-4103



## Guidelines for handling checks

**Dear McHenry County Business Professionals:**

In an effort to lower the impact of bad check crime on businesses in McHenry County, I have created a new in-house Check Enforcement Program. There are several parts to this program – all working together to benefit our entire County.

This is a pre-complaint diversion program designed to provide strong incentives for check writers to make good on their bad checks while lowering the burden on our legal system. But the McHenry County State's Attorney's Check Enforcement Program goes beyond simple diversion.

- **We provide materials and resources which help merchants prior to receiving a bad check.**
- **We have implemented a powerful administrative engine to handle the restitution process quickly and efficiently right here in McHenry County.**
- **Finally, a new educational course helps check offenders gain control of their finances and avoid writing bad checks in the future.**

My office and the entire law enforcement community have a strong commitment to making the Check Enforcement Program – a win/win situation for everyone involved.

**But we need your help to make the Program truly succeed.**

Please take the time to read the enclosed information. There are some “rules” that apply to bad checks and knowing exactly what steps to take and when to take them can make a big difference in how successful we will be in recovering your money.

Educate management and staff on their responsibilities. Post the materials. Use the Program to its fullest. It costs nothing to participate and we will endeavor to not just recover the check for you but also a victim's fee to help offset any fees charged by your bank.

Help us make a difference. We look forward to serving you.

Very truly yours,

*Louis A. Bianchi*

Louis A. Bianchi  
McHenry County State's Attorney

# Tips for handling a check

## What to look for when you accept a check

If you want to protect yourself from losses due to bad checks there are certain “rules” you should follow that can have a big impact on your success. Many of the most important rules apply at the moment you accept the check for payment. State statutes, local requirements and simple practicality also influence what can or cannot be done to recover a bad check loss.

There are some simple steps you should always take when accepting a check. We’ve developed a simple acronym – **SANDI** – to help people remember the steps.

**1 S Double Check the Signature.** Watch the person sign the check. Pre-signed checks are often trouble. Compare the signature against a photo ID that contains the person’s signature. A Driver’s License is best – and you should record the Driver’s License number on the check. Student ID numbers and Military ID are also good identifiers that you should get if possible.

**2 A Compare the Amounts.** If the amount written in number and the amount written in words don’t match, the bank won’t accept it. Carefully read both versions of the amount. If they don’t match, don’t accept the check.

**3 N Check Number.** It’s a fact that most bad checks are written on new accounts. Be especially aware of checks that seem to be on a new account (i.e. Numbers in the “low 100’s” or “low 1000’s”).

**4 D Today’s Date.** Post-dated checks do not qualify for the Program. Make sure the date on the check matches the date you accept it.

**5 I Complete ID.** It is important that you get as much identification as possible. The Driver’s License is preferred but, at a minimum you MUST get the following:

### “MUST HAVES”

- ✓ Name
- ✓ Address (a street address is best)
- ✓ City                      ✓ State                      ✓ Zip
- ✓ Phone Number
- ✓ Driver’s License, Military or Student Number

✓Mark each item on the check as you verify it.  
**BE SURE TO PUT YOUR INITIALS ON THE CHECK.**

### THE IMPORTANCE OF VERIFIED IDENTIFICATION

Being able to actually identify a check writer can be critical in enforcing a bad check. In order to prosecute a check, the person who accepts the check must be able to identify the check writer.

This requires some measure of proof. Reasonable proof can be:

- 1) **The person accepting the check verified identity using Photo ID –**  
-- OR --
- 2) **The person accepting the check personally knows the check writer. The person who accepts the check MUST be noted. They should put their initials or employee number on the check.**

**5** John W. Doe **3** 101  
DL#1242131 – 12/6/47  
222 East Market Blvd. **4** \_\_\_\_\_  
Lemon Grove, ST 22222

Paid to  
the order of \_\_\_\_\_ \$ \_\_\_\_\_ **2**

**2** First National Bank of Santee  
3141 East Nations Blvd.  
Santee, ST 22112

MEMOS **1** \_\_\_\_\_  
883 1123 4567 77 8890

Complete, verified identification can also influence the path that a check takes within the Program. Full ID is not mandatory for checks submitted to the Program. We can attempt to enforce restitution – if all other aspects of the check are within the guidelines of the Program.

HOWEVER, victims must be aware that without proper, verified identification, we may not be able to prosecute a check case. If so, the check information will be held in an inactive status in case future action can be taken and the check will be returned to the victim so that they can pursue civil remedies.

# Guidelines for submitting a bad check to the Check Enforcement Program

## BEFORE YOU REFER A CHECK TO THIS PROGRAM

Prior to referring a check to the Program, if the check was not honored because of Insufficient Funds, Victims should notify the check writer by Certified or Registered mail that a check has been dishonored and demand immediate payment of the check so that you can proceed against the check writer in civil court if necessary. If, after 7 days from the date the check writer receives notice, the matter has not been satisfied, you may refer the check to our office.

We have provided a Sample Notification Letter. It contains text that is appropriate for demanding payment of a dishonored check. Remember Victims should not make threats of prosecution – either written or oral – to enforce or enhance the collection or honoring of the check.

## PREPARING CHECKS FOR REFERRAL

- Enclose the original or a bank-generated substitute check with the Check Complaint form. Make a photocopy of the checks you are referring (both sides) for your files.
- Each check you refer to our office for enforcement **must** be accompanied by a Check Complaint form. This form lists all the information needed to process the bad check. It is important that you fill out as much of the information as possible to assure effective enforcement. (If you do not know a piece of information you can still refer the check.)
- Provide any additional information such as recent phone numbers or addresses that might be helpful.

## ELIGIBLE CHECKS

Most are eligible for the Check Enforcement Program. These include checks returned because of:

- “Insufficient” or “Non-sufficient Funds” which have been presented twice for payment
- “No Account”
- “Closed Account”

## INELIGIBLE CHECKS

Some checks are not eligible for the Check Enforcement Program. You may still wish to pursue these checks with the help of an attorney, in a civil proceeding, or collection agency. Checks that do not qualify include:

- Pre-dated, post-dated or altered checks
- Two-party checks
- Stop Payment checks (If a performance dispute exists.)
- The check was an Agree-to-Hold check
- Checks older than 60 days
- Checks passed outside McHenry County
- Out-of-state checks. (Other than WI.)
- Counterfeit or forged checks (these should be immediately referred to the police)
- Checks previously submitted to a Collection Agency

## FOLLOW-UP

You will either receive the money due you or we'll contact you with an explanation of why we were unable to prosecute. If a check (or checks) are deemed prosecutable, you will be informed of what steps you must take as part of the prosecution process. We will do our best to make sure your bad checks are handled efficiently and promptly.

If we are unable to enforce restitution and the check does not qualify for prosecution, it will be sent back to you for civil or criminal action to be pursued by your police department. If new information or additional checks are received, an inactive check case can be reopened and pursued further.

If you have any questions about this Program or any bad checks you have submitted, call:

**815-334-4103**

Or visit our Web site for more information or to download forms: [www.mchenrycosao.com](http://www.mchenrycosao.com)

# Sample Demand Letter

Victims of bad checks are required to make at least one attempt to notify a check writer to demand payment of a check that is returned because of Insufficient Funds. **This should be done by Certified or Registered Mail so that a check writer's receipt of the letter can be proven in court and you could proceed against the check writer in civil court if necessary. The check writer must then be given seven (7) days from receipt of the notice to respond to the letter.** If, after that time, the matter has not been resolved, the check can be referred to the Check Enforcement Program.

Below please find a sample demand letter.

**Note: Victims of bad check should not make any threats of prosecution – written or oral – to enforce or enhance the collection or honoring of the check.**

Be sure to date the letter.

You may require your usual, posted fee amount. When you submit a check to the Check Enforcement Program, we enforce a victim's minimum service fee of \$25 in addition to the full amount of the check.

Keep a copy of the letter for your files.

If it is returned as undeliverable, you should enclose the undelivered letter or return receipt when you submit the check to the Check Enforcement Program.

### Calling the check writer:

In the event you contact the check writer by phone, you should give essentially the same information as shown in this sample letter.

(Company letterhead)

Check writer \_\_\_\_\_ Date \_\_\_\_\_  
Address \_\_\_\_\_  
City, State Zip \_\_\_\_\_

Re: Notice of Dishonored Check

You are hereby notified that a check, number \_\_\_\_\_, issued by you on (date of check), drawn upon (name of bank), and payable to (your business), has been dishonored.

You have seven days from receipt of this notice to tender payment of the full amount of the check plus a fee of \$\_\_\_\_\_ to the undersigned at: \_\_\_\_\_. If you fail to do so, we will submit this matter to the authorities for possible legal action.

Sincerely,

(Signed)

## FOR MORE INFORMATION

If you have questions about the Program or any of the bad checks you have referred, call us at **815-344-4103** or visit the Check Enforcement Program website for more information or to download forms:

[www.mchenrycosao.com](http://www.mchenrycosao.com)

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