



## Kane County State's Attorney's **Check Enforcement Program**

Contact the Check Enforcement Program at: **1-888-616-6478**  
or contact the website at: **[www.hotchecks.net/kane](http://www.hotchecks.net/kane)**



# Guidelines for Handling Checks

**Dear Kane County Business Professional:**

In an effort to lower the impact of bad check crime on our community, I created a Check Enforcement Program. There are several parts in this program, all working together to benefit our entire community.

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

- **We provide materials and resources that help merchants avoid accepting a bad check.**
- **We have implemented a powerful administrative engine to handle the restitution process quickly and efficiently.**
- **Finally, a new educational course helps check offenders gain control of their finances and avoid future bad checks.**

Because the Check Enforcement Program is funded entirely by the check offenders, it costs merchants nothing. My office and the entire Kane County 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. 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 and you will receive 100% of the value of every check we successfully recover, plus a victim’s fee to help offset any costs you have incurred as a result of the bad check.

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

Sincerely,

A handwritten signature in black ink, reading "Joseph H. McMahon".

**Joseph H. McMahon**  
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 dishonored 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 dishonored 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.

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

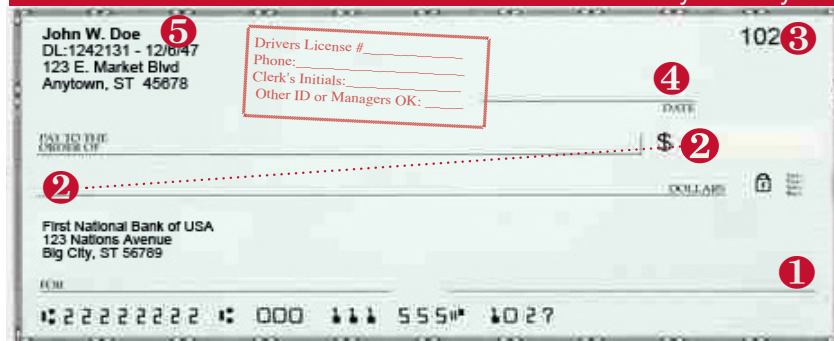
This requires some measure of proof. Reasonable proof can be:

1. **The person who accepted the check verified identity using Photo ID – OR –**
2. **The person who accepted the check MUST be noted. He or she should put their initials or employee number on the check.**

Complete, verified identification can 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 take the case to court. If a check reaches that point, it will be held in an inactive status or returned to the victim - at which point it can possibly be pursued as a civil matter.

Be sure to **mark and initial** each item on the check as you verify it.



### 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 State-issued ID or Driver’s License is best - and record the ID or Driver’s License number on the check. Military ID’s are also good identifiers that you should get if possible.

### 2 A Compare the Amounts

If the amount written in numbers 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 is a fact that most dishonored checks are written on new accounts. Be especially attentive to 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

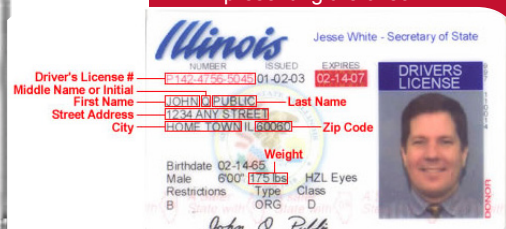
Post-dated checks do not qualify for the Program. Make sure the date on the check matches the date you accept it.

### 5 I Complete ID

It is important that you get as much identification as possible. The Social Security Number is preferred but, at a minimum you **MUST** get the following:

- ✓ Name
- ✓ Address (street address is best)
- ✓ City
- ✓ State
- ✓ Zip
- ✓ Phone Number
- ✓ ID: Driver’s License, Social Security, Military or State ID

**Look at the Photo ID**  
Does it match the person presenting the check?



# Submitting a Dishonored Check to the Check Enforcement Program

## Before You Refer a Check to This Program

Illinois State Statutes requires victims to make at least **two attempts** to deposit or cash a check – **with a seven (7) day period between attempts**. Prior to referring a check to the Program, victims are required to notify the check writer that a check has been dishonored and demand immediate payment of the check. This can be done by regular mail. If, **after 10 days**, the matter has not been satisfied, you may refer the check to our office.

A **Sample Notification Letter**, containing text that is appropriate for demanding payment of a dishonored check, is provided on the back of this brochure. Remember, victims can not make threats of prosecution - either written or oral - to enforce or enhance the collection or honoring of the check.

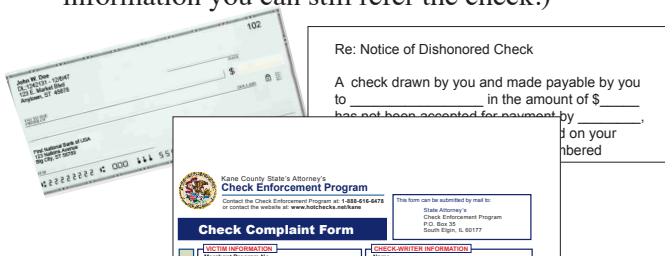
## Preparing Checks for Referral

- Enclose the original check 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.

- Enclose a copy of the notification letter and a copy of the demand letter that was sent to the check writer.

- 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 dishonored 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.)



## Eligible Checks

Most are eligible for the Check Enforcement Program.

These include checks returned because of :

- “Insufficient ” or “Non-sufficient Funds”
- “Closed Account” or “No Account”

## Some Ineligible Checks

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

- Checks passed outside Kane County
- Checks older than 180 days
- Post-dated, pre-dated or altered checks
- Stop Payment checks
- Two-party, payroll or government checks
- Agreement to hold checks
- Checks issued for loan payment or payment on an open account
- Counterfeit or forged checks\*
- Check over \$2,500\*

*\* Forged or Counterfeit checks and checks over \$2,500 should be sent directly to law enforcement for investigation for possible prosecution.*

## Follow-Up

You will either receive the money due to you or we will contact you with an explanation of why prosecution is not feasible. If a check(s) is deemed prosecutable, you will be informed of what steps you must take as part of the prosecution process.

If we are unable to enforce restitution and the check does not qualify for prosecution, it will be placed in an inactive status and held at the Check Enforcement Program unless it is requested that the check be returned. If new information or additional checks are received, an inactive check case can be reopened and pursued further.

## Kane County State's Attorney's Check Enforcement Program

We will do our best to make sure your dishonored check(s) are handled promptly and efficiently. If you have questions about the Program or any of the dishonored checks you have referred, contact us at the phone or internet address below.

P.O. Box 35 | South Elgin, IL 60177 | toll-free 1-888-616-6478 | [www.hotchecks.net/kane](http://www.hotchecks.net/kane)

# Sample Demand Letter

Illinois State Statute requires victims to make at least **two attempts** to deposit or cash a check – **with a seven (7) day period between attempts**. Victims must make a documented attempt to collect on the check. A victim must write the check writer to inform them about the dishonored check. If you cannot reach the check writer or he or she does not pay, you should proceed with referring the check to the Check Enforcement Program.

The sample demand letter below is suitable to send the check writer. The language of the letter conforms to the requirements of the Illinois State Statutes.

**Note:** Victims of bad checks must not make any threats of prosecution (written or oral) to enforce or enhance the collection or honoring of the check.

**1** Be sure to date the letter.

**2** You can vary this text, but the text of a demand letter should “substantially conform to” this wording.

*Keep a copy of the demand letter and enclose a copy of the demand letter and return receipt when you submit the check to the Check Enforcement Program.*

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

*You may require the check writer to pay fees allowable by law. The Check Enforcement Program requires check writers to pay the victim a victim fee to cover any charges that are incurred as a result of the bad check, as well as the full amount of the check..*

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

*Of course you are free to discuss the matter with the check writer, but remember to avoid threats of prosecution.*

(Company Letterhead)

**1** Date

Check writer  
Address  
City, State Zip

Re: Notice of Dishonored Check

**2**

A check drawn by you and made payable by you to \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ has not been accepted for payment by \_\_\_\_\_, which is the drawee bank designated on your check. This check is dated \_\_\_\_\_, and is numbered \_\_\_\_\_.

You are CAUTIONED that unless you pay the amount of this check within ten days after the date this letter is postmarked, the check may be turned over to the State’s Attorney’s.

You are to make payment to \_\_\_\_\_ at the following address: \_\_\_\_\_.

Sincerely,

(Signed)  
(Phone number)

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