

BAD/WORTHLESS CHECK PROSECUTION

Notifying Receipt of Bad Check

The Payee (merchant receiving bad check) must send notice of receipt of the bad check and demand for payment to the Payor (person who wrote and issued bad check) via certified mail with restricted delivery and must give the Payor ten (10) days to pay.

Submitting Bad Check for Prosecution

If the check is not paid within the ten (10) day deadline, the check can be submitted to the Barber County Attorney for prosecution. The following three (3) items are required for prosecution:

- Legal or bank-issued copy of the bad check indicating the reason the check was not paid, such as non-sufficient funds (NSF) or closed account.
- Green receipt card from the certified mailing or returned mailing as proof of service or attempted service.
- Completed and notarized Affidavit of Prosecution for Check Cases for each check submitted for prosecution. These documents can be notarized in the Barber County Attorney's Office.

Address for Submitting Bad Check

Bring all documents supporting your bad check claim to our office, located in the Barber County Courthouse, or mail them to the address listed below:

Barber County Attorney's Office
120 E. Washington
Medicine Lodge, KS 67104

Prosecution Process

The Barber County Attorney will send a Notice of Bad/Worthless Check Letter to the Payor to advise that a bad check has been received. The Payor will be granted a short discretionary period of time to pay the bad check(s) prior to the filing of criminal charges. If payment is not made in full, criminal charges will be filed.

Important

Once the bad check has been turned over to our office for prosecution, the Payee should not accept any type of payment for the goods or services at issue. The Barber County Attorney cannot prosecute or must dismiss cases of bad checks for which partial payment has been accepted by the Payee.