



The Humboldt County District Attorney's  
**Check Enforcement Program**  
825 5<sup>th</sup> Street, 4<sup>th</sup> Floor  
Eureka CA 95501 • (707) 268-2587

## Frequently Asked Questions

### 1. **What is the cost of participating in the Check Enforcement Program?**

There is no cost to the merchant or individual who has received a bad check. The Check Enforcement Program requires the check writer to pay the full amount of the check, your bank fee, plus our program fee.

### 2. **How do I register for the Program?**

You can access the forms on the Check Enforcement Program web page [www.co.humboldt.ca.us/distatty](http://www.co.humboldt.ca.us/distatty), or you can call the Program at (707) 268-2587.

### 3. **Can I put more than one check on a Check Complaint form?**

Yes. You can put multiple checks on a single complaint form as long as all the checks were received from a single check writer.

### 4. **Will the Check Enforcement Program get all my money back for me?**

Yes. Unlike a collection agency, we collect the check amount and bank charges and forward the entire amount to you. The check writer is also assessed fines, which fund the District Attorney's cost of running the program.

### 5. **When will I receive the money the Program recovers?**

Any restitution that is received by the Check Enforcement Program is passed on to the victim, within seven days of receipt of payment from the check writer.

### 6. **What kind of checks can I send to the Check Enforcement Program?**

Any check that you receive for goods or services, that has been written and passed within Humboldt County, is eligible for the program. It must have been returned to you by the bank, and marked NSF (non-sufficient funds), or closed account.

### 7. **Do you accept Stop Payment checks?**

Stop Payment checks are accepted into the program, unless there is a "good faith dispute" behind the stop payment order. A "good faith dispute" is a civil matter between a business and a customer.

**8. Why won't you accept fictitious, fraudulent, lost, stolen, or counterfeit checks?**

By law, the Check Enforcement Program may only accept NSF or Account Closed checks. Any of the above reasons for return by the bank must be reported to the local law enforcement agency within the jurisdiction where the check(s) was passed.

**9. Why should I contact the check writer first before submitting a bad check?**

It is good business practice to give a check writer an opportunity to make a check good. Honest people make honest mistakes, and by letting them know, you can save hard feelings and potentially keep a good customer. If you have notified the check writer, and he or she fails to respond within five (5) days, you should immediately submit the check to the Check Enforcement Program.

**10. Why are pre- or post-dated or held checks not accepted?**

Holding a check for a period of time, or allowing someone to date it purposely for another date, other than the date it is passed, makes the check(s) a civil agreement between the parties.

**11. Why aren't checks for payment in advance accepted?**

When you accept a check for services in advance, you are entering into a contractual agreement with the check writer. The District Attorney's Office cannot prosecute a case when a civil contractual agreement has been made.

**12. I cashed a paycheck and it came back stamped NSF. Can I send it to the Check Enforcement Program?**

No. Payroll checks should be submitted to the local office of the California Labor Commission. The phone number is (707) 441-4604.

**13. Why can't I get the posted service fee I normally charge for a returned check?**

The law allows us to collect a bank fee on your behalf up to the amount of \$15.00 only. The law changed in January 2009 to increase the fee to \$15.00.

**14. Why aren't the check writers prosecuted right away?**

The Check Enforcement Program was set up as a diversion program. We must give the check writer the opportunity to pay restitution. Also, from experience, once the check writer has been arrested, it is much more difficult to collect restitution. Further, restitution is not ordered through our office at that time.

The Check Enforcement Program will not be able to track the check writer to make sure payments are made.

**15. Is there a dollar limit for checks submitted?**

There is no limit. Checks for any amount may be submitted.

**16. Am I required to send a certified letter to the NSF check writer before I refer the check to the District Attorney?**

No. We do ask that you call the check writer and send a letter giving them five (5) days to respond and pay for the check.

**17. What do I do if I receive payment after the check has been sent to your office?**

We ask that you do not accept payment from the check writer. However, if payment is received, please contact the Check Enforcement Program as soon as possible, so we may update our records.

**18. What happens if the check writer has not paid and you are unable to prosecute?**

The check can be returned to the victim so that they may pursue a civil judgment.