

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF LANCASTER

IN RE: INSTALLMENT PAYMENT AGREEMENT GUIDELINES FOR COURT COSTS,
FINES AND RESTITUTION

Payment Plan Policy

In accordance with Rule 1:24 of the Rules of the Supreme Court of Virginia, the court adopts the following as a Payment Plan Policy for the collection of fines, costs and restitution, unless the court orders a specific payment schedule for restitution as part of the disposition of a criminal case:

1. Any defendant may enter an installment payment plan, as hereafter defined, to pay fines and costs. An installment payment plan is a plan in which the defendant agrees to make monthly payments until the fines and costs are paid in full.
2. All fines, costs, and restitution that a defendant owes for all cases in this court may be incorporated into one payment plan, unless otherwise ordered by the court in specific cases.
3. At any time during the payment plan, a defendant may request a modification of the plan, which will be granted based on a good faith showing of need. To request a modification, a defendant must file a written request detailing the basis for the modification.
4. After default, any defendant may re-apply to participate in a payment plan and will be permitted to enter a new payment plan provided he/she makes a down payment. If the fines, costs, and restitution owed are more than \$500, a down payment of \$50 is required. If the fines, costs, and restitution owed are \$500 or less, a down payment of 10% of the amount owed is required.
5. In accordance with Virginia Code Section 19.2-354(A)(i), the clerk of this court is authorized to establish and approve individual installment payment agreements, including subsequent payment agreements of \$25 per month.
6. Any periodic payment amount of less than \$25 per month and any request to waive a required down payment must be requested in writing and approved by the judge.
7. Upon request, the court may grant credit toward discharge of fines and costs through the performance of community service work completed after sentencing. The community service must be performed (i) before or after imprisonment or (ii) in accordance with the provisions of Virginia Code Sections 19.2-316.4, 53.1-59, 53.1-60, 53.1-128, 53.1-129, or 53.1-131 during imprisonment. Community service

CANNOT be used to satisfy any portion of restitution, including any interest owed on a restitution obligation. In accordance with Virginia Code Section 19.2-354 paragraphs (A) and (C), the hourly amount to be credited toward fines and costs is based on the state minimum wage rate. Community service performed in accordance with this policy is in addition to community service ordered at sentencing.

For community service work performed before or after imprisonment:

- a. In order to be given credit for community service as a defendant is required to perform community service for a non-profit or government agency and provide sufficient proof of work performed and hours completed to the court from the supervising agency on a document signed by the supervisor. ANY FALSE DOCUMENTATION IS SUBJECT TO PROSECUTION.
- b. To remain eligible for the community service program, the defendant must provide proof of completed community service every thirty (30) days from entry of the order approving the request to participate in the community service program.
- c. After sixty (60) days of failing to provide proof of completed community service, the defendant will be removed from the program, and will need to reapply for future participation. The defendant will not receive credit for community service performed between the date of last report and the date of reentry into the program. In addition, collection activity may commence.

For community service work performed during imprisonment:

- a. The work must be performed in accordance with the provisions of Virginia Code Sections 19.2-316.4, 53.1-59, 53.1-60, 53.1-128, 53.1-129, or 53.1-131.
- b. The work and rate of pay must be verified by the Virginia Department of Corrections or local/regional facility.
- c. The rate of credit applied will be the state minimum wage per hour, less any hourly wage received from the Department of Corrections or local/regional facility.
- d. In keeping with the legislative intent, the court authorizes retroactive application for work performed during imprisonment that can be verified according to the above guidelines.

A payment plan will be detailed on Form CC-1379 and signed by the defendant. The clerk of this court is ORDERED to provide each defendant with a written copy of the Payment Plan Policy unless otherwise provided by the court.

Entered this 27th day of August 2021


R. Michael McKenney, Judge

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF LANCASTER

NOTICE OF PAYMENT ALTERNATIVES FOR FINES AND COSTS

Pursuant to Section 19.2-354.1 and 19.2-354(c) of the Code of Virginia

If you are unable to pay fines and costs for the offense(s) of which you were convicted, the Court offers you the opportunity to enter an installment plan. You may also request Court approval to perform community service through a non-profit organization registered as a 501(c) (3) with the IRS in lieu of or to defray fines and costs upon certain terms and conditions generally including a requirement that a minimum of 5 hours of community service must be performed every month for a period of one year, and a credit based on the state minimum wage per hour for each hour of community service performed. However, community service is not available to repay restitution, interest on restitution, and any court collection fees for restitution.

Any payment received within 10 days of the due date will be considered timely made.

At any time during the duration of your payment plan, you may ask the Court to modify your plan. A request for modification will be granted on a good faith showing of need, however you must appear in the Clerk's office and complete the attached form DC-211 providing your financial information.

If you have defaulted on your payment plan, you may ask the Court to approve a new payment plan. The Court will consider any changes in your circumstances in determining whether to approve the request. A down payment will be required if you have defaulted on a payment plan, which will be 10% of a balance of \$500 or less; \$50 if fines and costs are more than \$500.

You may apply for a payment plan in the Clerk's Office of the Lancaster County Circuit Court. If you would like to request a payment plan with guidelines other than those listed above OR you would like to perform community service in lieu of fines and costs, you must complete form DC-211 providing your financial information and it will be submitted to the judge. **You must contact the Clerk's Office 10 to 14 days after the request is submitted to learn the Court's decision or you risk being in default.** The Clerk's Office can be reached at 804-462-5611.

Defendant Name _____ Date _____

Address _____

Phone Number _____

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF LANCASTER

Defendant _____ Date _____

Case Numbers: _____

_____ I do not have the financial resources to meet the guidelines established for the payment of unpaid fines and costs. Therefore, I wish to enter into an installment plan and pay \$_____ per month.

OR

_____ I wish to perform community service to defray the unpaid fines and costs and receive a credit equal to the state minimum wage for each hour of community service performed. A minimum of 5 hours of community service must be performed each and every month. You must perform community service through a non-profit organization registered as a 501(c) (3) with the IRS.

Explain in your own words why you require a reduced/alternative payment plan or community service:

Signature

Date

This request will not be considered until you have completed the attached form DC-211

COURT USE ONLY:

APPROVED _____

DENIED _____

OTHER _____

DATE: _____, Judge

PETITION FOR PAYMENT AGREEMENT
FOR FINES AND COSTS OR
REQUEST TO MODIFY EXISTING AGREEMENT

Case No(s)

Commonwealth of Virginia VA. CODE § 19.2-354.1

X

[] General District Court [] Circuit Court
[] Juvenile and Domestic Relations District Court

CITY OR COUNTY

COURT ADDRESS

X [] Commonwealth of Virginia
[]

v. DEFENDANT/JUVENILE

ADDRESS OF DEFENDANT/JUVENILE

SOCIAL SECURITY NO.

CITY STATE ZIP

TELEPHONE NO.

- [] I respectfully ask the court to allow me to pay the fines, costs, forfeiture, restitution (if not otherwise ordered) and/or penalty owed of \$... plus any additional court-appointed attorney fee, if applicable,
[] in periodic payments OR
[] in one payment due in full on a future date
[] and I shall try to make periodic payments until that future date AND/OR
[] by doing community service work to earn credit for fines and costs only, if available.
[] I respectfully ask the court to change my existing payment agreement for the following reasons:

Court Debt Owed in Other Courts:

- [] I currently owe unpaid fines, costs, forfeiture, restitution, and/or penalty in ... other courts.
[] I owe a total of \$... in those other courts. [] I do not know the total of unpaid court debt owed.
[] I pay a total of \$... per month towards that unpaid court debt.
[] I do not have unpaid court debt in other courts.

Financial Information:

- [] The information provided to this court by defendant on Form DC-333, FINANCIAL STATEMENT - ELIGIBILITY DETERMINATION FOR INDIGENT DEFENSE SERVICES, as previously submitted, is unchanged.
OR
[] This information is provided to this court below in support of this Petition or Request:

Public Assistance:

- [] I currently receive the following type(s) of public assistance:
[] TANF \$ [] Medicaid [] Supplemental Security Income \$
[] SNAP (food stamps) \$ [] Other (specify type and amount)
[] I do not receive public assistance.

Employment:

- [] I am employed.
[] I am not currently employed and it has been ... months since I was last employed.

Employer(s)

Occupation

Defendant [] self-employed
Spouse [] self-employed

Number of Dependents

Defendant

Spouse

Household Net Income:

Take-Home Pay (after taxes, etc.) \$
Pay Period (weekly, every 2 weeks, twice monthly, monthly) \$
Other Income Sources (specify) \$
Income Contribution of Dependents \$
TOTAL NET INCOME = \$

Case No.

Defendant Spouse

Assets:

Bank Accounts/Cash on Hand

\$

\$

Other Assets (specify)

with a value of

\$

\$

Real Estate - \$
NET VALUE

\$

\$

Motor

Vehicles
YEAR AND MAKE YEAR AND MAKE

\$

\$

Other Personal Property: (describe)

TOTAL ASSETS =

\$

Debts Owed (amount paid per month):

Car payment

\$

\$

Rent/mortgage payment

\$

\$

Credit card payments

\$

\$

Other monthly payments (not including court debt payments)

\$

\$

TOTAL MONTHLY DEBTS =

\$

EXCEPTIONAL EXPENSES (Total Exceptional Expenses of Family)

Medical Expenses (list only unusual and continuing expenses) \$

Court-ordered child support payments/alimony \$

[] deducted from paycheck [] not deducted from paycheck

Child-care payments (e.g. day care) \$

Other (describe):

} \$

TOTAL EXCEPTIONAL EXPENSES \$

THIS STATEMENT IS MADE UNDER OATH, ANY FALSE STATEMENT OF A MATERIAL FACT TO ANY QUESTIONS CONTAINED HEREIN SHALL CONSTITUTE PERJURY UNDER THE PROVISIONS OF VA. CODE § 18.2-434. THE MAXIMUM PENALTY FOR PERJURY IS CONFINEMENT IN THE STATE PENITENTIARY FOR A PERIOD OF TEN YEARS.

I hereby state that the above information is correct to the best of my knowledge.

DATE

DEFENDANT

Sworn to and signed before me this

..... day of, 20.....

[] CLERK [] DEPUTY CLERK

FOR NOTARY PUBLIC'S USE ONLY:

State of [] City [] County of

Acknowledged, subscribed and sworn to before me this day of, 20

NOTARY REGISTRATION NUMBER

NOTARY PUBLIC
(My commission expires:)

ORDER FOR REQUEST TO MODIFY EXISTING PAYMENT AGREEMENT

Upon request to modify an existing payment agreement,

[] the request is granted based upon a good faith showing of need, and the new payment agreement is set forth on form

[] DC-210, ACKNOWLEDGMENT OF SUSPENSION OR REVOCATION OF DRIVER'S LICENSE

[] CC-1379, ACKNOWLEDGMENT OF SUSPENSION OR REVOCATION OF DRIVER'S LICENSE/ORDER AND NOTICE OF DEFERRED PAYMENT OR INSTALLMENT PAYMENTS.

[] the request is denied, and the current payment agreement continues in full force and effect.

DATE

[] JUDGE [] CLERK [] DEPUTY CLERK