

VIRGINIA: IN THE CIRCUIT COURT OF SHENANDOAH COUNTY

**IN RE: DEFERRED PAYMENT AGREEMENT GUIDELINES AND PROCEDURES
FOR COURT COSTS, FINES AND RESTITUTION**

ORDER

Pursuant to the requirements of Virginia Code §19.2-349, §19.2-354 and §19.2-354.1 and Amended Supreme Court Rule 1:24 effective July 1, 2017:

A. The following are the payment guidelines for the total costs and fines (collectively, the Costs) and restitution in all cases assessed by this Court against the defendant:

- 1) Once a defendant is convicted of a felony or misdemeanor in the Circuit Court, costs will be assessed against the defendant. All court costs are assessed in accordance with the Code of Virginia.
 - a. A judgment will be automatically entered on the date of sentencing unless fines and costs are paid in full that day.
 - b. If the defendant is not in court to receive notice of costs, the Clerk will mail to the defendant, in a timely manner following the defendant's trial and/or sentencing hearing:
 - i. A Notice of Fines and Costs (the Notice) and
 - ii. A copy of this Order
 - c. Fines, costs, and restitution are due within 30-days of sentencing unless otherwise specified in a Court Order.
- 2) If a defendant is unable to pay the Costs in full within 30 days of conviction (or other disposition of the case authorized by law), or if a defendant is incarcerated, within 30 days after the defendant's release from incarceration, the defendant must elect one of the following three (3) options for a payment agreement:
 - a. **Deferred Payment Agreement:** Defendant agrees to pay the full amount of the fines, costs and/or restitution by the end of the stated terms with no monthly amount required.
 - b. **Installment Agreement:** Defendant agrees to make monthly payments in the agreed upon amount until fines, costs and/or restitution are paid in full. The first payment under the agreement shall be due the month immediately following the month in which the application is made.
 - c. **Community Service Agreement:** Upon written request to the Clerk of the Court by the defendant to earn credits for performance of community service work to be applied towards fines and costs only, hours are credited at the wage rate as set forth in Virginia Code §19.2-354(C) and applied to a Defendant's fines and costs subject to the following requirements:

- i. Community Service may be performed for a governmental agency or for a civic or charitable organization. The latter may be a religious body or organization if the defendant so chooses, but the defendant's efforts must be in the form of service work and not simply participating in worship.
 - ii. The defendant must not receive compensation of any nature for the same work.
 - iii. The community service shall be recorded on a form furnished by the Clerk of this Court which will require the recordation of the dates and times when the community service was performed, and a brief description of the work done.
 - iv. The completed form shall reflect the name and address of the agency or organization for which the community service was performed and be signed by a representative of the agency or organization who supervised the performance of the community service. The completed form shall include contact information for the supervisor, including telephone number and address.
 - v. Credit toward the discharge of court costs and fines shall be at the rate of \$7.50 per hour of community service, or any future Federal minimum wage rate set forth in the Virginia Code.
 - vi. This option cannot be used to pay off restitution, however, it can be selected along with another option above.
 - vii. Performing Community Service will not reduce any collection fee assessed on defendant's account.
 - viii. Effective July 1, 2020, a Defendant may receive credit for community service hours performed for community service work before, during, or after imprisonment.
 - ix. No credit for community service will be credited to a Defendant's account if the form is incomplete or cannot be verified by the court clerk or their deputy clerk.
- 3) Defendants needing longer than thirty (30) days to pay fines and costs owed to the court may enter into a payment plan with the court.
- a. Defendants will not be required to pay a down payment for the first payment plan entered into providing that the Defendant's account has not been referred to the collection process.
 - b. A down payment will be required if Defendant defaults on the original payment plan and requests a new plan: a new payment plan may be entered into providing that a down payment is made as follows:
 - i. Ten percent (10%) down payment for cost and fines totaling five hundred dollars (\$500.00) or less, or

- ii. Five percent (5%) or fifty dollars (\$50.00) down payment, whichever is greater, for cost and fines totaling over five hundred dollars (\$500.00)
- c. A Defendant whose fines and costs have been referred to the collection process shall nevertheless be eligible to enter into an initial or subsequent payment plan but is required to pay a down payment as follows:
 - i. Ten percent (10%) down payment for cost and fines totaling five hundred dollars (\$500.00) or less, or
 - ii. Five percent (5%) or fifty dollars (\$50.00) down payment, whichever is greater, for costs and fines totaling over five hundred dollars (\$500.00)

B. An individual who does not promptly pay fines, court costs or restitution may be subject to the following:

- 1) Unpaid balances are reported to the Department of Taxation for Set-off Debt Collection; after proper notice any tax refund or lottery proceeds due the defendant will be sent to the Clerk's Office to pay off the debt - after 90 days
- 2) Accrued interest on the balance due - after 40 days
- 3) Unpaid balances are reported to Penn Credit Collection Agency, or current collection agency in place at the time of default - after 90 days

C. Pursuant to §19.2-353.5, an individual may apply to have the interest removed if the following is applicable:

- 1) No interest shall accrue on any fines or costs imposed in a criminal case or in a case involving a traffic infraction for a period of 40 days from the date of final judgment imposing such a fine or costs or during any period the defendant is incarcerated.
- 2) A person who owes fines and costs in which interest has accrued during a period of incarceration may move any Court in which fines and costs are owed to waive the interest that accrued during such period of incarceration. To have court waive interest, Defendant must provide the following completed forms:
 - a. Certificate of Incarceration Period (Form DC-366), completed by the correction facility
 - b. Request for Waiver of Interest on Fines and Costs (Form DC-366A), completed by the Defendant.

D. The Clerk's Office has no authority to change a Judge's ruling. If a Defendant was Court-Ordered to pay a specific monthly payment amount and can no longer pay that monthly amount, the Defendant will need to file a Praecipe and Motion, showing just cause to change payment plan, to place the matter on the docket to be heard by a Judge.

E. Methods and Applications of Payment

1) Online Payments

- a. Visa and Master Card -credit or debit
- b. Incurs a 4% or \$2 processing fee, whichever is greater pursuant to VA Code §17.1-275(A)(27)

2) In Person Payments

- a. Cash
- b. Personal checks, money orders, cashier checks and certified checks made payable to: Shenandoah County Circuit Court. No starter checks accepted.
- c. Visa and Master Card - Incurs a 4% or \$2 processing fee, whichever is greater pursuant to VA Code §17.1-275(A)(27)

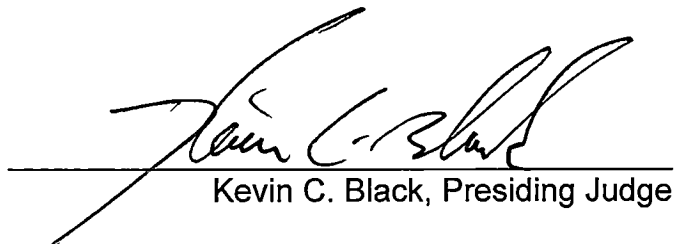
3) By Mail

- a. Mail to Shenandoah County Circuit Court, PO Box 406, Woodstock, VA 22664
 - b. Include Defendant name and case number(s) on payment to ensure proper credit.
 - c. Personal checks, money orders, cashier checks and certified checks made payable to: Shenandoah County Circuit Court. No starter checks accepted.
 - d. Do NOT send cash via United States Postal Service
 - e. A self-addressed, postage paid envelope is required if a receipt is requested.
- 4) If a Defendant's assessed costs include restitution, payments received will be applied to restitution first until satisfied then the remaining payments received will be applied to the court costs.
- 5) Pursuant to VA Code §19.2-353.3 payments associated with dishonored checks and credit cards accounts will be assessed an additional fee of 10% with a minimum of \$50.

F. Penalties for Failure to Comply with a Payment Agreement

- 1) The Court may issue a Capias for the Defendant's arrest.
- 2) The unpaid amount shall be forwarded to Penn Credit Collections Office, or current collection agency in place at the time of default.

ENTERED this 23rd day of June, 2020.


Kevin C. Black, Presiding Judge