

### **Isle of Wight General District Court Payment Policy for Fines and Costs**

Fines and costs, if imposed by the court, are due on the day of trial. Pursuant to Virginia Code §§ 19.2-354, 19.2-354.1, 19.2-358, and Rule 1:24 of the Rules of the Supreme Court of Virginia, this Court offers deferred, modified deferred, and installment payment agreements for any person seeking additional time to pay or seeking reinstatement of a suspended license for non-payment of fines, costs, forfeitures, restitution or payments lawfully assessed pursuant to the following guidelines:

- a. All persons who are unable to pay their fines and costs in full within 90 days shall be given the opportunity to enter into a deferred payment agreement, modified deferred payment agreement, or installment payment agreement.
- b. In determining the length of time to pay, the Court will consider an individual's financial resources and financial obligations or indigent status by using a form provided by the Executive Secretary of the Supreme Court or by a colloquy with the defendant using Form DC-210.
- c. A \$10.00 fee will be assessed upon entering into any payment agreement with a due date greater than 90 days, unless it was collected on a previous agreement.
- d. The defendant must inform the Court promptly of any change of address during the term of the agreement.
- e. The Clerk's Office will prepare one agreement per defendant totaling all unpaid fines and costs owed this Court.
- f. The Court will authorize an installment payment agreement for a period up to three (3) years.
- g. A minimum down payment will be required for the initial payment agreement.

Fines and costs will not be sent to collections unless they are still outstanding after 90 days except as required by law. Interest on outstanding fines and costs will not accrue unless still outstanding after 180 days.

#### **Subsequent Installment Payment Agreements**

When a defendant has previously defaulted on a deferred, modified, or installment payment agreement for the outstanding balance owed the Court, the defendant will be required to make a down payment of 10% if the outstanding balance is \$500.00 or less. If the amount is over \$500.00, then the down payment will be the greater of 5% of the outstanding balance or \$50.00.

1. Once the down payment is made, the Clerk shall set the payment schedule taking into account the defendant's financial resources and obligations, including any fines and costs owed by the defendant in other courts.

2. The Clerk's Office will grant one subsequent payment plan only. If the defendant defaults on that plan, the defendant must petition the Court to authorize a payment plan. The defendant may have to appear before the Court for this request.

#### **Modifying Existing Payment Agreement**

At any time during the duration of a payment agreement, the defendant may request a modification of the agreement in writing by filing a district court form, DC-211, Petition for Payment Agreement for fines and Costs or Request to Modify Existing Agreement, and the Clerk is authorized to grant such modification based upon a good faith showing of need only.

#### **Term of Deferred Payment Agreement**

The term of a deferred payment agreement shall be determined by the remaining balance owed by the defendant as follows:

- |                                      |           |
|--------------------------------------|-----------|
| a. Remaining balance up to \$200.00  | 90 Days   |
| b. Remaining balance \$200 to \$1000 | 6 months  |
| c. Remaining balance over \$1000     | 12 months |

#### **Community Service**

The court may, AT THE DISCRETION OF THE JUDGE, for good cause shown only, as when the defendant is indigent or is otherwise unable to make meaningful payments be approved to have acceptable and properly verified community service work credited towards the defendant's obligation to pay fines and costs. To receive credit for community service work an individual must: (1) volunteer for a non-profit organization registered as a 501 (c) (3) with the Internal Revenue Service; (2) submit an original letter (copies not accepted) on the letterhead of the organization signed and notarized by a representative of that organization listing the dates the volunteer service was performed; and (3) submit the letter to the Clerk's Office on or before the due date. The community service option is only available to discharge fines and costs and may not be used to discharge restitution or an individual's other financial obligations.

The payment options are check, money order, credit card (VISA, MASTERCARD, DISCOVER) or cash, if the defendant appears in person. The defendant can pay online, by mail, or in person. We do not take payments over the phone. There is an ADDITIONAL 4% fee for using your credit card (whether paying online or in person).

**NOTE: THIS POLICY DOES NOT APPLY TO RESTITUTION. NO EXTENSIONS WILL BE GRANTED BY THE CLERK FOR RESTITUTION.**

CHIEF GENERAL DISTRICT COURT JUDGE: 

CLERK:

Glenda M. Wadford

DATE:

August 13, 2022