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VIRGINIA: IN THE CIRCUIT COURT OF CHARLOTTE COUNTY

IN RE: PAYMENT PLAN GUIDELINES AND PROCEDURES FOR COURT COSTS, FINES AND RESTITUTION

ORDER

It appearing to the Court proper to do it is hereby ORDERED that the following time to pay guidelines are hereby established for the total costs, fines, and restitution in all cases which were not set by the Court at the time of sentencing and incorporated into the Sentencing Order.

As a condition of every such agreement, a defendant who enters into an installment or deferred payment agreement shall promptly inform the court of any change of mailing address during the term of the agreement.

Any defendant who is unable to pay in full fines and costs for a particular offense within 30 days of conviction, or other disposition authorized by law, is offered by the Court the opportunity to enter into either a deferred payment plan agreement, a modified deferred payment plan agreement or an installment payment plan agreement to pay those fines and costs.

In accordance with Virginia Code Section 19.2-349, failure to pay fines and/or restitution or entering into and staying current on a payment agreement within ninety (90) days of the date of judgment will incur a 17% penalty "to help offset the costs associated with employing such individuals or contracting with such agencies or individuals" assisting in collecting. **The Clerk cannot remove, reduce or alter this fee.** Any other terms set forth in these guidelines are subject to the Clerk or Judge's discretion.

A payment plan agreement shall include only those outstanding fines and costs subject to collection under the period of time for which the limitations period set forth in § 19.2- 341 has not run.

The Court will take into account the defendant's financial resources and obligations, including defendant's indigence, as well as any fines and costs the defendant owes in other courts. In assessing the defendant's ability to pay, the court will utilize a written financial statement, on form DC-211 developed by the Executive Secretary of the Supreme Court, or if in Court, a colloquy with the defendant to assess the defendant's ability to pay setting forth the defendant's financial resources.

Initial down payment will not be required for payment agreements.

In the case of an installment payment agreement, if the fines and costs owed are $500 or less, the required down payment may not exceed 10 percent of the such amount owed or, if the fines and costs owed are more than $500, the required down payment may not exceed five percent of the such amount owed or $50, whichever is greater. Nothing in this Order shall preclude a defendant from choosing to make a larger down payment or larger installment payments.

The defendant may request a modification of the plan agreement in writing on form DC-211 provided by the Executive Secretary of the Supreme Court and the Court may grant such modification based on a good faith showing of need.

The Court shall consider a request by a defendant who has defaulted on a payment agreement to enter into a subsequent payment agreement. In determining whether to approve such request for a subsequent payment agreement, the Court shall consider any change in the defendant's circumstances.

The Court shall require a down payment to enter into a subsequent payment plan agreement.

If the fines and costs owed are $500 or less, the required down payment may not exceed 10 percent of such amount owed or, if the fines and costs owed are more than $500, the required down payment may not exceed five percent of the amount owed or $50, whichever is greater.

The Court may allow community service work as an option to defray fines and costs, especially when the defendant is indigent or otherwise unable to make substantial meaningful payments. Any portion of the community service completed would be credited to the defendant's obligations at the rate of $8.00 per hour. Community service shall not be credited against any amount owed as restitution or any collection fee required. Community Service **MUST** be pre-arranged with the organization **AND** pre-approved by the Court on forms to be provided by the Clerk's Office. The community service, if approved by the Court, must be performed at a 501(c)(3) organization or political subdivision of the Commonwealth of Virginia.

When a person sentenced to the Department of Corrections or a local correctional facility owes any fines, costs, forfeitures, restitution or penalties, he shall be required as a condition of participating in any work release, home/electronic incarceration or nonconsecutive days program as set forth in § 53.1-60, 53.1-131, 53.1-131.1, or 53.1-131.2 to either make full payment or make payments in accordance with his installment or deferred payment agreement while participating in such program. If, after the person has an installment or deferred payment agreement, the person fails to pay as ordered, his participation in the program may be terminated until all fines, costs, forfeitures, restitution and penalties are satisfied. The Director of the Department of Corrections and any sheriff or other administrative head of any local correctional facility shall withhold such ordered payments from any amounts due to such person. Distribution of the money collected shall be made in the following order of priority to:

1. Meet the obligation of any judicial or administrative order to provide support and such funds shall be disbursed according to the terms of such order;

2. Pay any fines, restitution or costs as ordered by the court;

3. Pay travel and other such expenses made necessary by his work release employment or participation in an education or rehabilitative program, including the sums specified in § 53.1-150; and

4. Defray the offender's keep.

The balance shall be credited to the offender's account or sent to his family in an amount the offender so chooses.

The Defendant's failure to comply with the deferred payment plan will result in the Defendant's operator's license or privilege to drive a motor vehicle being suspended. In addition, the Department of Motor Vehicles will revoke automobile registration certificates and license plates and/or refuse to issue new automobile registration certificates or license plates until paid. Unpaid fines and/or restitution will be reported to collections and interest may begin accruing on the unpaid balance.

The Clerk shall be able to administratively amend any payment plan in the event additional costs should be assessed and/or the financial conditions of the Defendant changes.

ENTERED THIS 29th DAY OF June, 2017.

KIMBERLEY S. WHITE, JUDGE