VIRGINIA: IN THE CIRCUIT COURT OF CULPEPER COUNTY

IN RE: DEFERRED OR INSTALLMENT PAYMENT AGREEMENT GUIDELINES AND PROCEDURES FOR COURT COSTS, FINES AND RESTITUTION PURSUANT TO VIRGINIA CODE SECTIONS 19.2-354 & 19.2-354.1

## ORDER

The Clerk may enter into and approve a deferred payment agreement, an installment payment agreement, or a modified deferred payment agreement, upon the following guidelines:

1. The defendant must appear in person to enter into an agreement. All fines and costs that a defendant owes for all cases may be incorporated into one payment agreement, unless otherwise ordered by the Court in specific cases. A payment agreement shall include only those outstanding fines and costs for which the limitations period set forth in Virginia Code § 19.2-341 has not run.

2. The agreed upon monthly payment shall be no less than $50.00 per month unless documented extenuating circumstances exist and is approved by the Court. In assessing the defendant's ability to pay, the Court shall use a written financial statement, on a form developed by the Executive Secretary of the Supreme Court, setting forth the defendant's financial resources and obligations.

3. The start date shall not be more than forty-five (45) days from the date the payment agreement is entered into.

4. Any default on the deferred payment or installment payment agreement shall allow the Tax Commissioner to act in accordance with Virginia Code § 19.2-349 to collect all fines, costs, forfeitures and penalties, including any Court Ordered restitution of a sum certain.

5. At any time during the duration of a payment agreement, the defendant may request a modification of the agreement in writing on a form provided by the Executive Secretary of the Supreme Court, and the Court may grant such modification based on a good faith showing of need.

6. The Court shall require a down payment to enter into a subsequent payment agreement, provided that the down payment required to enter into a subsequent payment agreement shall not exceed (i) if the fines and costs owed are $500 or less, ten percent of such amount or (ii) if the fines and costs owed are more than $500, five percent of such

amount or $50, whichever is greater. After such down payment, the defendant may set up the plan in accordance with the guidelines above.

7. This Order supersedes the previous Orders entered on June 10, 2015, December 28, 2016, June 30, 2017, and October 18, 2018.

ENTER: _____
SUSAN L. WHITLOCK, JUDGE

DATE: 7/01/19