# ORDER

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF HENRY

IN RE: Payment Agreement Policy Effective July 1, 2017

Pursuant to Virginia Code §19.2-354.1 and Virginia Supreme Court Rule 1:24 this Court ORDERS the following procedures for implementing and maintaining the requirements for court payment agreements for the collection of fines, court costs, penalties, restitution and interest and for the purpose of enabling defendants to restore their driver's licenses pursuant to §46.2-395.

Jennifer Ashworth, Clerk of the Circuit Court of Henry County or her designees are hereby authorized to establish and approve payment agreements.

All defendants who are convicted of a traffic infraction or a violation of any criminal law of the Commonwealth or of a County or City will be required to pay a fine or restitution with interest or penalty and court costs. Any defendant who is unable to pay in full fines, penalty, restitution with interest and costs of court within 30 days of conviction must be offered the opportunity to enter into an *installment agreement or a deferred payment agreement* to pay those obligations. The defendant shall be given written notice of those payment options and of the option of earning credit toward discharge of fines and costs through the performance of community service work.

Community service credit shall not be credited to restitution or restitution interest. The defendant shall obtain permission from his probation officer, if currently under the supervision of a probation officer, to perform community service work. Otherwise, the defendant shall make his request in the form of a letter to the Court. The Clerk does not approve community service.

At the time of sentencing the defendant may enter a payment agreement of $100 per month without being required to make a down payment. However, if a defendant wishes to enter an agreement after the account is in default a down payment will be required.

In the case of an installment agreement, if the amount owed is $500 or less, the required down payment shall not exceed 10% of such amount owed or, if the amount owed is more than $500, the required down payment shall not exceed 5% of such amount owed or $50, whichever is greater. Monthly payments thereafter are set at $100 per month.

At any time during the duration of a payment plan agreement, the defendant may request a modification of the agreement in writing on Form DC-211, and the Court may grant such modification based on a good faith showing of need.

The defendant may be offered a payment agreement combining an appropriate initial period during which no payment of fines and costs is required, followed by a period of installment payments. Such agreement may be appropriate when the defendant is incarcerated and will be at the discretion of the Court or the Clerk.

The Court or Clerk will consider a request by a defendant who has defaulted on a payment agreement to enter into a subsequent payment agreement. The defendant will not be required to establish a payment history on the subsequent payment agreement before restoring the defendant's driver's license. A down payment shall be required to enter into a subsequent payment agreement.

Payments are credited first to restitution interest, next to restitution, then fines, court costs and any state or local interest, as allocated by the Financial Accounting System. A portion of each payment receipted will be credited to collection fees if the account has such fees assessed.

This ORDER supersedes all previous orders pertaining to procedures for court payment procedures and agreements.

Enter this the 26th day of July, 2017;
Nunc pro tunc July 1, 2017.

DAVID V. WILLIAMS, JUDGE