

VIRGINIA: IN THE CIRCUIT COURT OF HIGHLAND COUNTY

DEFERRED/INSTALLMENT PAYMENT POLICY

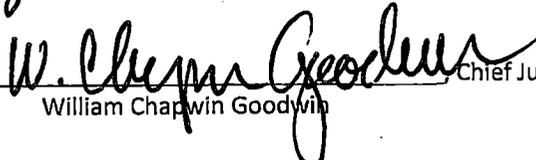
ORDER

The Clerk of this Court, pursuant to Virginia Code Section 19.2-354(A) & (B), is hereby authorized to establish and approve written agreements for the deferral or installment payment of fines, restitution, forfeitures, penalties and costs imposed upon a defendant for conviction in this Court of any violation of any criminal or traffic laws whenever the defendant is unable to pay such obligations within 30 days of trial/sentencing, subject to the guidelines and conditions set forth in this Order.

The following is your guide for setting up a Time-to-Pay Plan with this Court:

1. Payment Plans and their terms may be set by the Court or the Clerk and may be amended at the discretion of the Court or Clerk when invoices from providers are submitted. If you disagree with the Payment Plan and Terms set by the Clerk, you may request that the Clerk place the matter on the Court's docket for the Judge to establish a plan.
2. The Defendant is given notice of all fines, costs, restitution, and assessments at the conclusion of the criminal case. The Clerk shall send a notice of such amendment to your last known address.
3. If a Payment Plan is not set by the Court at sentencing the Defendant is required to complete a form entitled "Petition for Deferred or Installment Payment of Fines/Costs". Failure to enter into such an agreement will result in assessment of a 17% "collection fee". The first payment is due on the date designated on the Plan. Decisions as to terms of Payment Plans are made on a case-by-case basis based on income, amount of fines and costs assessed, period of probation, etc. You shall promptly inform this Court of any change of mailing address during the term of the agreement.
4. The Commonwealth Attorney shall provide to the Court during trial, on a form prescribed by the Supreme Court of Virginia, the amount of restitution owed and the name(s) of the victim(s), which form shall be signed by the defendant prior to imposition of sentence.
5. All payments received will be applied to restitution first, if applicable to case.
6. If default in payment occurs, the Plan is terminated and the Defendant must petition the Circuit Court for a NEW Payment Plan, with 20% of balance paid before new payment plan will be ordered. The Department of Taxation may institute collection proceedings through garnishments, tax set-offs, and other means available.
7. If a defendant serves an active sentence of jail or penitentiary time in the Commonwealth, pursuant to Virginia Code Section 19.2-353.5, interest on any outstanding fines and costs owed to the Court or ANY other Court, which may accrue during the period when the defendant is incarcerated, will be waived by the Court upon the defendant's request. It is the responsibility of the applicant to present to the Court the proper forms to be eligible for the waiver of interest.
8. Completion of community service in lieu of cash payments for all fines and costs may be approved by the Court at the rate of \$7.50 per hour. Community service will be monitored by your probation officer and/or the Court Community Corrections Program. **Community service does not apply to restitution. Restitution shall be paid by cash payments only.**
9. The Court accepts payments by check, money order, or cash in person. Payments can be mailed to: Highland County Circuit Court, PO Box 190, Monterey, VA 24465. Office hours are 8:30AM to 4:30PM, Monday – Friday, with the exception of holidays. Due dates that fall on weekends or holidays will be due the next business day. When requesting a receipt, please include a self-addressed stamped envelope.

Enter this 31st day of January, 2020.



William Chapwin Goodwin Chief Judge