

## **VIRGINIA:**

### **IN THE JUVENILE & DOMESTIC RELATIONS DISTRICT COURT OF AMHERST COUNTY**

#### **TIME-TO-PAY AND COMMUNITY SERVICE POLICY**

The Amherst County Juvenile & Domestic Relations District Court Clerk's Office offers a time-to-pay plan as payment agreement for defendants/respondents owing court costs and/or fines. The Court also allows fines and/or costs to be discharged through approved community service work in accordance with this policy. **Please note – costs and/or fines will continue to accrue interest until paid in full.**

- 1) The party owing costs and/or fines may enter into an initial payment agreement allowing ninety (90) days from the disposition of the case to make full payment. No down payment is required for this initial plan.
- 2) If the party defaults on the initial payment plan and requests an extension, the Court may grant a ninety (90) day extension. A one-time service fee of \$10.00 will be assessed for this extension and the fee will be added to the total costs and/or fines owed. The party requesting the extension must sign a DC210 form. A down payment is required by Virginia law upon entering into this extended Time-to-Pay plan. Va. Code §19.2-354.1(I).
- 3) If the total amount owed is \$500.00 or less, the down payment shall be 10% of the total amount owed; if the total amount owed exceeds \$500.00, the down payment shall be 5% of the total owed or \$50.00, whichever is greater. Va. Code §19.2-354.1(E).
- 4) If the costs and/or fines still have not been paid within one hundred eighty (180) days of disposition of the case, the party may again request further extension. Such requests shall be made in writing to the Court and must be accompanied by a financial statement.
- 5) Exceptions may be granted by the presiding judge for conditions of hardship. The Court shall take into account the defendant's financial resources and obligations, including fines and costs owed in other courts.
- 6) Pursuant to Va. Code § 19.2-354(C), a defendant owing fines and/or costs to the court may discharge fines and/or costs by earning credit for community service. The Clerk of Court is authorized to approve initial applications for entry into the program, remove participants for failure to comply with program terms, and otherwise administer the program. In order to perform community service to discharge fines and/or costs, the following program requirements must be met:
  - a) Community service for credit toward fines and/or costs may only be performed through non-profit organizations.

- b) Community service shall be credited at the current Virginia minimum wage rate (\$7.25/hour as of 07/01/2018).
- c) Community service cannot be used to pay restitution or *guardian ad litem* fees – it is only credited to fines and/or costs owed to the Court.
- d) A defendant who has been ordered to perform community service hours as a part of any court-ordered sentence, plea agreement, or deferred disposition shall not be able to apply those hours toward fines and/or costs.
- e) Hours worked/submitted for credit in this Court shall not be submitted to any other court/jurisdiction for credit.
- f) A minimum of sixteen (16) hours of work per calendar month is required. A certification form (available from the Clerk) must be submitted no later than 4:00 PM on the 7<sup>th</sup> day of each month certifying the number of hours worked in the previous month. Failure to submit a certification form on time will result in removal from the program.
- g) All community service for credit must be documented on forms provided by the Clerk's Office. The forms must be signed by a supervisor at the organization where the work was performed. Failure to complete and/or properly submit the minimum number of hours monthly will result in removal from the program.
- h) If a defendant is removed from the community service program, the balance of the fines and/or costs owed shall be due within thirty (30) days of removal from the program unless the party enters into an approved payment plan.
- i) Once a defendant has been removed from the community service program, re-entry into the program will not be considered for a minimum of twelve (12) months from the removal date. Requests to re-enter the program after a removal will be considered by the presiding judge on a case-by-case basis.
- j) In addition to the application form, the Clerk may also require completion of a sworn Financial Statement (Form DC-333) if a recent statement is not included in the case file.
- k) Exceptions to this policy are in the sole discretion of the presiding judge.
- l) Any false information provided to the Court shall be punishable as contempt of court.

  
\_\_\_\_\_  
Jeffrey P. Bennett, Presiding Judge