



COMMONWEALTH of VIRGINIA

A. ELLEN WHITE
JUDGE

DEBORAH S. MARTIN
CLERK

TWENTY-FOURTH JUDICIAL DISTRICT JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

FOR THE COUNTY OF CAMPBELL
P.O. BOX 220
RUSTBURG, VIRGINIA 24588

PHONE: (434) 332-9555
(434) 592-9555
(434) 283-9555
FAX: (434) 332-9692

TIME TO PAY AGREEMENT PROCEDURES

PURPOSE

To establish procedures regarding the conditions of all deferred payments or installments upon sentencing of an adult or juvenile, upon assessment of a civil fee, or restoration of a defendant's operator's license following suspension for failure to pay fines/costs in criminal and traffic cases.

SCOPE

This policy applies to all defendants and persons with fines, costs, and/or fees owed to the Campbell County Juvenile & Domestic Relations District Court.

AUTHORITY

§19.2-354, §19.2-358, and §46.2-395 of the Code of Virginia of 1950, as amended.

RESPONSIBILITY AND INTERPRETATION

The Clerk of Court is responsible for the consistent application of these procedures, and all questions regarding this procedure should be directed to the Clerk's office.

POLICY

- 1) Criminal cases
 - a) Criminal fines and costs are assessed on adult criminal, juvenile delinquency and traffic cases
 - b) A defendant can enter into a time to pay agreement for up to 12 months at a time.
 - c) Costs are assessed upon conclusion of the case

- i) Per court order, the Clerk's office shall assess the defendant \$120 plus expenses for the court appointed attorney in cases with a guilty or a deferred disposition. If a timesheet has not been submitted by the attorney on the day of trial, upon receipt of the timesheet, the Clerk's office shall update FMS with the amount approved by the Judge and an updated bill will be mailed to the defendant. If the defendant had entered into a payment agreement, this amount will be added to his/her plan with the same due date
- ii) The defendant may pay fines/costs in full within thirty (30) days with no additional fee
- iii) If the defendant requests more than thirty (30) days, an additional one-time fee of \$10.00 is added
- iv) The Clerk's office will prepare a DC 210 Acknowledgment of Suspension or Revocation of Driver's License, setting a due date that corresponds to a payment rate of \$25.00 per month, allowing no more than twelve (12) months to pay, and update the case in FMS
- d) Requesting additional time to pay prior to suspension of operator's license
 - i) An adult or juvenile defendant can request an extension of their time to pay agreement
 - ii) A new DC 210 Acknowledgment of Suspension or Revocation of Driver's License is prepared, following the guidelines above, allowing no more than 12 months per extension
 - iii) Each account is updated in FMS to reflect the new due date
- e) Requesting additional time to pay after the suspension of operator's license
 - i) An adult or juvenile defendant can request an extension of their time to pay agreement
 - ii) A new DC 210 Acknowledgment of Suspension or Revocation of Driver's License is prepared, following the guidelines above
 - iii) Each account is updated in FMS to reflect the new due date
 - iv) If requested, a DC 30 form is completed through FMS or manually and given to the defendant

- f) Community Service to discharge fines and costs –
The Clerk's office cannot provide this option for either juveniles or adults.

Per the FMS procedures manual (Chapter 10):

The court may establish a program to provide an option to any person upon whom a fine and costs have been imposed to discharge all or part of the fine or costs by earning credits for the performance of community service work. The program shall specify the rate at which credits are earned and provide for the manner of applying earned credits against the fine and costs. Va. Code § 19.2-354. An individual account may be established for a defendant who is going to perform community service **only if the court will receive notification of completion of the community service. If the court does not receive notification of completion**

of community service as a policy, an individual account should not be established. Per Juanita Irby, Community Service Coordinator, Youth, Adult and Community Services, that office cannot monitor juveniles or adults for this purpose

- g) Petition for Authorization for Restricted Driver's License – Failure to Pay Fines and Costs
 - i) A defendant whose privilege to drive has been suspended for failure to pay fines and costs, can complete the DC 270 Petition for Authorization for Restricted Driver's License – Failure to Pay Fines and Costs
 - ii) This Petition is reviewed administratively by the Court
- 2) Civil fees
 - a) Civil fees include: GAL assessments, parentage test fees, and court appointed attorney fees assessed against a parent for juvenile delinquency case
 - b) These fees cannot suspend an operator's license, but can cause a person's wages or state tax refund to be held or garnished by the Virginia Department of Taxation
 - c) A party can enter into a time to pay agreement with no longer than a 12 month extension date
 - d) Use the JA999999 number system to assign a case number
 - e) Costs are assessed either at the conclusion of the case, or upon entry of a Parentage Test Order, Order Determining Parentage, Assessment/Payment Order, or other court order
 - i) The Clerk's office will prepare a DC 210 Acknowledgment of Suspension or Revocation of Driver's License, marking out the top section and only completing Part II, setting a due date that corresponds to a payment rate of \$25.00 per month, allowing no more than twelve (12) months to pay
 - ii) The time to pay fee is not assessed
 - f) Requesting additional time to pay prior to end of time to pay
 - i) An party can request an extension of their time to pay agreement
 - ii) A new DC 210 Acknowledgment of Suspension or Revocation of Driver's License is prepared, following the guidelines above.
 - iii) Each account is updated in FMS to reflect the new due date
- 3) Out of state/out of area requests
 - a) A party can request a time to pay agreement for criminal and civil cases via mail
 - b) The Clerk's office will prepare a DC 210 Acknowledgment of Suspension or Revocation of Driver's License, **without signing it**, setting a due date that corresponds to a payment rate of \$25.00 per month, allowing no more than twelve (12) months to pay
 - c) The Clerk's office will mail the defendant or party the DC 210 with the required signature areas highlighted, with a self-addressed envelope. The defendant or party shall have their signature notarized, and return the DC 210 to the Clerk's Office

- d) Upon receipt, the Clerk's office shall update FMS with the new due date
- e) All procedures for requesting additional time to pay and community service remain in effect