

July 1, 2017

PRINCE WILLIAM COUNTY GENERAL DISTRICT COURT
POLICY FOR PAYMENT OF FINES AND COSTS AND RESTITUTION

Defendants are advised to come to court prepared to:

- 1) Pay fines, costs and restitution;
- 2) Show substantial effort to pay fines, costs and restitution over a reasonable period of time; or
- 3) Be prepared to perform court ordered community service in lieu of paying fines and costs and restitution.

Each defendant owing fines, costs or restitution that does not pay them on the date of judgment will have 30 days within which to make payment (unless the Judge orders otherwise). If the defendant has not made a payment within those 30 days, he or she may request a deferred payment or installment agreement to pay remaining fines, costs, and restitution. Defendants may also request a community service agreement wherein the defendant shall receive credit at the federal minimum wage per hour of community service performed against the outstanding balances owed. If the payment agreement exceeds 90 days to pay off the outstanding balance, an additional \$10.00 will be added to the amounts owed to pay for management of the defendant's payment agreement.

Reasons to grant a payment agreement that may be considered by the Judge include, but are not limited to:

- The length of time the amount has been owed.
- The number of cases upon which the fines, costs and restitution are owed.

- Whether the Defendant has recently been released from incarceration or a treatment program.
- A prolonged period of unemployment
- Whether the Defendant has entered into a payment plan with another Court.
- Any other extenuating circumstances that the Court finds constitute good cause as to why additional time should be granted.

Failure to pay fines, costs or restitution when due can result in the suspension of a Defendant's motor vehicle operator's license as well as additional fines and/or incarceration. If a defendant has not filed a motion for extension of time to pay or for a repayment agreement and full payment or arrangements for a payment plan has not been made within the initial 90 days, the unpaid fines, costs or restitution will be referred to the state for collection and possible tax refund set-off.

Defendants may request a payment agreement (including an installment agreement) from the Collections office after license suspension.

REQUIREMENTS TO OBTAIN A PAYMENT AGREEMENT:

- 1) If fines, costs, or restitution are \$500.00 or less, a down payment of 10% of the amount owed may be required.
- 2) If fines, costs, or restitution are greater than \$500.00, a down payment of 5% or \$50.00 (whichever is greater) may be required.

- 3) Community Service may not be used to pay restitution, the interest which has accrued on restitution, or any collection fee associated with the collection of those amounts.
- 4) At any time during the duration of a payment agreement, the defendant may request a modification of the agreement, which shall be granted based upon a good faith showing of need.
- 5) Timeliness of payments- Any payment which is received within 10 days of the date due shall be considered timely.
- 6) Re-entry into a payment agreement after default- A defendant who has defaulted on a payment agreement will have the opportunity to request a new payment agreement and the court shall consider the defendant's change in circumstances in determining whether to approve such request. If a defendant re-enters into a new payment agreement after default on a previous agreement, the court will require a 10% down payment on amounts owed less than \$500.00 and 5% down payment on amounts owed over \$500.00.
- 7) Any license restoration based upon entry into a payment agreement is subject to Virginia Department of Motor Vehicle eligibility.

If a defendant does not meet the above requirements, he/she may request a denial form to submit to the Clerk's office for an appeal before a judge. For incarcerated defendants, the 30 day limit for the payment of fines, costs and restitution will run from the date of release from incarceration. Interest owed does not accrue until release from incarceration.