

VIRGINIA: In the Tazewell County Juvenile and Domestic Relations District Court

TIME TO PAY ORDER

Costs and fines are due within 30 days of the Courts' decision. The Court shall offer any defendant who is unable to pay in full the fines and costs within 30 days of sentencing the opportunity to enter into a deferred payment agreement, modified deferred payment agreement or installment payment agreement. If you seek an extension of time to pay costs and/or fines past 90 days, the Court will charge an additional \$10.00 fee for its management of your account. The DC-210 form, which includes information concerning the suspension of one's privilege to drive motor vehicles, should be carefully read before signing.

In assessing the defendant's ability to pay, the Court shall use a written financial statement, on a form developed by the Executive Secretary of the Supreme Court, setting forth the defendant's financial resources and obligations or conduct an oral examination of the defendant to determine his financial resources and obligations. The length of a payment agreement and the amount of the payments shall be reasonable depending upon the defendant's financial resources and obligations and shall not be based solely on the amount of fines and costs.

All unpaid costs and fines are eligible for an extension of time to pay. You may request either a date certain by which the payment will be made or you may ask to pay in equal monthly installments until the costs and fines are paid in full.

The defendant may request a modification of the agreement in writing on the DC-211, Petition for Payment Agreement for Fines and Costs or Request to Modify Existing Agreement, the Court may grant such modifications based on good faith showing of need.

The Court shall consider a request by the defendant, who has defaulted on a payment, to enter a subsequent payment agreement, the Court shall consider

any change in the defendant's circumstances. The Court shall require a down payment for a subsequent payment agreement; the down payment shall not exceed 10% when the fines and costs owed are \$500.00 or less; the down payment shall not exceed 5% or \$50 whichever is greater when the fines and costs owed are more than \$500.00.

All, or a portion of, current fines and costs or delinquent accounts may be satisfied by means of community service hours only after completion of a DC-210 and subsequently the hours completed under the supervision of Clinch Valley Community Action of the designee of that agency. Such service shall be performed with a period of time approved and monitored by the Court.

Extension on community service may be granted after review of payment of community service work history. One extension of 30 days is permitted upon request in person to the Clerk. Further extension(s) are granted when unforeseen and unforeseeable problems prevent compliance with the payment plan or community service schedule. Only the Clerk or Judge grants such extension.

If at the time you are ordered to pay costs and fines in this court you are already paying costs and/or fines in another court, those obligations will be considered in determining how much you should pay each month or the date by which payment should be made. It is your responsibility to bring it to the Courts' attention. Only the Court in which you are required to pay costs and/or fines can consider an extension of that particular order. One Court cannot change the terms of another Court's payment of costs and/or fines.

There is no time limit when a time to pay agreement for restoration of driver's license or payment of fines and costs to restore driver's license may be entered into.

Upon the request for a time to pay agreement for fines and costs older than 30 days, whereby the defendant is requesting to restore their driver's license by performing community service, the Court will issue a DC-30 for license restoration. Once a defendant has defaulted, the Court will not allow another

opportunity for the deferred time to pay agreement. Delinquent accounts are sent to DMV at day 41 + 10 days.

For out of state defendants, upon the request for a time to pay agreement, the agreement may be faxed to the defendant, which will require a signature in front of a notary public. The notarized form will then be faxed back to the Court and the original subsequently mailed back to the Court prior to the original suspension date.

The defendant shall, pursuant to Section 19.2-354, promptly inform the Court of any change of mailing address during the term of the agreement.

Even if your costs and/or fines have been referred for active collection, you shall nevertheless be eligible to enter into an initial or subsequent payment plan.

If a defendant owes restitution, then any payments collected shall be used first to satisfy such restitution order and any collections cost (revenue code 499) associated with restitution prior to being used to satisfy any fine, forfeiture, penalty, or cost assessed.

COLLECTION BY TAX SET-OFF COLLECTIONS:

All unpaid accounts will be transferred to Tax Set-Off Collections after the 91st day following the last due date. If payment is made after that time, the Court will notify Tax Set-Off that monies have been paid.

This Order is effective July 13, 2017. It is posted in the Clerk's Office and provided to the Office of the Executive Secretary of the Supreme Court of Virginia for entry onto its website.

Entered this 13th day of July, 2017.



Martha P. Ketron, Chief Judge