

IN RE:

DEFERRED PAYMENT PLAN GUIDELINES AND PROCEDURES FOR COURT COSTS,
FINES AND RESTITUTION EFFECTIVE JULY 1, 2024**ORDER**

When an individual is convicted of a felony or misdemeanor in the Cumberland County Circuit Court, court-imposed fines and/or court costs will be assessed against the Defendant in accordance with the Code of Virginia. All fines and costs are due thirty (30) days from the date of sentencing unless otherwise ordered. If the Defendant cannot meet their obligation by this deadline, then a payment plan will be established by the Clerk or their appointee, based upon the financial conditions of the Defendant. If restitution is included in assessed costs, restitution will be incorporated in these Stated guidelines. **All payments received will be applied to restitution first**, and then remaining payments received will be applied to the court costs and fines.

If the Defendant's sole financial resource is a Social Security benefit or Supplemental Security Income (SSI), they are not required to pay their fines and costs until they have another resource or source of income. As long as the Defendant's sole income remains unchanged, their account will not go to collections. **Any restitution that has been ordered to be paid by the Defendant is not included in this exemption of payment and is due as ordered by the Court.**

Community service **must be reviewed** by the Commonwealth Attorney and prearranged and approved by the Court to be converted as payment for court costs and fines. The Defendant may petition the Court to present a plan for community service to be applied towards payment of fines and costs. A petition will not be considered unless a specific plan is made a part of the filing. The Court may allow community service work as an option to defray fines and costs, especially when the Defendant is indigent or otherwise unable to make substantial meaningful payments. Incarcerated Defendants working in programs in compliance with Virginia Code Sections 19.2-316.4, 53.1-60, 53.1-128, 53.1-129, or 53.1-131 are eligible. Work performed by Incarcerated Defendants for which any monetary or other significant compensation is received by or credited to the Defendant shall not qualify as community service. Any portion of the community service completed will be credited to the Defendant's obligations at the current rate of the hourly minimum wage then in effect. Community service shall not be credited against any amount owed as restitution or any collection fee required. Community service **must** be pre-arranged with the organization **and** pre-approved by the Court on forms to be provided by the Clerk's office. The community service, if approved by the Court, must be performed at a 501(c)(3) organization or political subdivision of the Commonwealth of Virginia.

In accordance with Code Section 19.2-349, failure to pay fines/restitution or entering into and staying current on a payment agreement within 30 days of the date of judgment will incur a 17% penalty "to help offset the costs associated with employing such individuals or contracting with such agencies or individuals" assisting in collection. **Neither the Court nor the Clerk can remove, reduce, or alter this fee.** Any other terms set forth in these guidelines are subject to the Clerk's or Judge's discretion.

At least \$50.00 will be required as a down payment to enter into a payment plan unless regular payments have been made to the Defendant's fines and costs. At least \$100.00 will be required as a down payment to enter into a second payment plan. The required payments are at the discretion of the Clerk based upon the financial conditions of the Defendant and their previous payment history.

Payments by check will be accepted at the discretion of the Clerk. All checks returned by the bank for insufficient funds may be assessed a returned check fee of \$50.00 or 10%, whichever is greater, based on the payment amount. The amount of the returned check, plus the returned check fee, will be assessed to the Defendant's account which can result in driver's license suspension.

The Defendant's failure to comply with the deferred payment plan will result in any unpaid fines/restitution being reported to collections and interest may begin accruing on the unpaid balance. The Defendant must promptly inform the court of any changes of mailing address during the term of the payment agreement.

The Clerk shall be able to administratively amend any payment plan in the event additional costs should be assessed and/or the financial conditions of the Defendant changes.

ENTERED this 25th day of June, 2024.

Donald C. Blessing, Judge