

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF HANOVER

IN RE: PAYMENT AGREEMENT GUIDELINES FOR COURT COSTS, FINES, AND RESTITUTION

Payment Plan Policy

In accordance with Rule 1:24 of the Rules of the Supreme Court of Virginia, the court adopts the following as a Payment Plan Policy for the collection of fines, costs, and restitution, unless the court orders a specific payment schedule for restitution as part of the disposition of a criminal case:

1. Any defendant may enter into a deferred payment plan, a modified deferred payment plan, or an installment payment plan, as defined below, at any time.

“Deferred payment plan” is a plan in which the defendant agrees to pay the full amount at the end of its stated term and no installment payments are required.

“Modified deferred payment plan” is a deferred payment plan in which the defendant agrees to pay the full amount at the end of its stated term and agrees to use best efforts to make monthly or other periodic payments.

“Installment payment plan” is a plan in which the defendant agrees to make monthly or other periodic payments until paid in full.

2. A defendant shall specify the type of payment plan requested for any request made. If a defendant requests a deferred or modified deferred payment plan, he or she must also specify the desired due date under the plan.
3. All fines, costs, and restitution a defendant owes for all cases in this court may be incorporated into one payment plan, unless otherwise ordered by the court in specific cases. A defendant seeking to set up a payment plan for more than one case must inform the clerk of his or her desire to include all outstanding fines, costs, and restitution.
4. At any time during the payment plan, a defendant may request a modification of the plan, which will be granted based on a good faith showing of need. To request a modification, a defendant must file a written request detailing the basis for the modification.
5. After default, any defendant will be permitted to enter into a new payment plan, provided he or she makes a down payment of \$50 if the fines, costs, and restitution owed are more than \$500, or 10% of the amount owed if fines, costs, and restitution owed are \$500 or less.
6. In accordance with Virginia Code Section 19.2-354(A)(ii), the clerk of this court is authorized to approve and establish individual installment payment agreements, including subsequent payment agreements, of \$50 per month.
7. Any periodic payment amount of less than \$50 per month and any request to waive a required down payment must be requested in writing and approved by the court.
8. Upon request, the court may grant credit toward discharge of fines and costs through the performance of community service work completed after sentencing. The community service must

be performed (i) before or after imprisonment or (ii) in accordance with the provisions of Virginia Code Sections 19.2-316.4, 53.1-59, 53.1-60, 53.1-128, 53.1-129 or 53.1-131 during imprisonment. Community service CANNOT be used to satisfy any portion of restitution, including any interest owed on a restitution obligation. In accordance with Virginia Code Section 19.2-354 paragraphs (A) and (C), the hourly amount to be credited toward fines and costs is based on the federal minimum wage rate. Community service performed in accordance with this policy is in addition to community service ordered at sentencing.

For community service work performed before or after imprisonment:

- a. A defendant is required to perform community service for a non-profit or government agency and provide sufficient proof of work performed and hours completed to the court from the supervising agency on a document signed by the supervisor. ANY FALSE DOCUMENTATION IS SUBJECT TO PROSECUTION.
- b. To remain eligible for community service credit, the defendant must provide proof of completed community service every thirty (30) days from entry of the order approving the request to participate in the community service program.
- c. After sixty (60) days of failing to provide proof of completed community service, the defendant will be removed from the program, and will need to reapply for future participation. The defendant will not receive credit for community service performed between the date of last report and the date of reentry into the program. In addition, collection activity may commence.


For community service work performed during imprisonment:

- a. The work must be performed in accordance with the provisions of Virginia Code Sections 19.2-316.4, 53.1-59, 53.1-60, 53.1-128, 53.1-129 or 53.1-131.
- b. The work and rate of pay must be verified by the Virginia Department of Corrections or local/regional jail facility.
- c. The rate of credit applied will be the federal minimum wage per hour rate, less any hourly wage received from the Department of Corrections or local/regional jail facility.
- d. In keeping with the legislative intent, the court authorizes retroactive application for work performed during imprisonment if it is verified in accordance with the above guidelines.

In any case in which a defendant owes fines and costs and informs the court his or her sole financial resource is a Social Security benefit or Supplemental Security Income, the defendant will be exempt from making payments at least until he or she has another resource, and the case will not be referred to collections. If a defendant informs the court he or she receives a Social Security benefit or Supplemental Security Income, no payment toward fines and costs will be taken from such exempt resource, and it will not be considered in determining the length of time to pay under a payment agreement and payment amount. Any restitution a defendant may have been ordered to pay is not included in this exemption from payment and is due as ordered.

A payment plan will be detailed on Form CC-1379 and signed by the defendant. The clerk of this court is ORDERED to provide each defendant with a written copy of the Payment Plan Policy unless otherwise provided by the court.

Entered this 28th day of June 2024.

  
Patricia Kelly, Judge