

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTIES OF ESSEX, LANCASTER,

NORTHUMBERLAND AND RICHMOND

IN RE: PAYMENT PLAN 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 either a deferred payment plan, a modified deferred payment plan or an installment payment plan, as defined below, to pay fines and costs. "Installment payment plan" is a plan in which the defendant agrees to make monthly or other periodic payments until the fines and costs are paid in full. "Deferred payment plan" is a plan in which the defendant agrees to pay the full amount of fines and costs 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 also agrees to use best efforts to make monthly or other periodic payments.
2. For any request made, a defendant shall specify the type of payment plan requested. If a defendant requests a deferred or modified deferred payment plan, he/she must also specify the desired due date under the plan.

3. All fines, costs, and restitution that a defendant owes for all cases in the court may be

incorporated into one payment plan, unless otherwise ordered by the court in specific cases.

Anyone seeking to set up a payment plan for more than one case must inform the clerk of his/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 may re-apply to participate in a payment plan and will be permitted to enter a new payment plan provided a down payment is made. If the fines and costs owed are \$500 or less, the down payment may not exceed 10% of the amount owed. If the fines and costs owed are more than \$500, the down payment may not exceed 5% of the amount owed, or \$50, whichever is greater.

6. In accordance with Virginia Code § 19.2-354(A), the clerk of this court is authorized to establish and approve individual installment payment agreements, including subsequent payments, 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 judge.

8. Upon request, the court may grant credit toward the 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 incarceration or (ii) during incarceration in accordance with the provisions of Virginia Code §§ 19.2-316.4, 53.1-59, 53.1-60, 53.1-128, 53.1-129 or 53.1-131. Community service CANNOT be used to satisfy any portion of restitution, including any interest owed on a restitution obligation. The hourly amount to be credited toward fines and costs is

based on the Virginia minimum wage rate, currently \$12.41/hour. 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 incarceration:

a. In order to be given credit for community service 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 the community service program, the defendant must provide proof of complete 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 incarceration:

d. The community service must be performed in accordance with the provisions of Virginia Code §§ 19.2-316.4, 53.1-59, 53.1-60, 53.1-128, 53.1-129 or 53.1-131.

e. The hours of community service must be verified by the Virginia Department of Corrections or local/regional facility.

f. Employment in a correctional facility for which an inmate is paid a salary

does not qualify as community service under Virginia Code § 19.2-354(C). *Vanmeter v. Commonwealth*, 80 Va. App. 324, 897 S.E.2d 722 (2024). The Clerks are authorized to deny applications for community service credit based on this type of employment.

g. In keeping with the legislative intent, the court has authorized retroactive application for work performed during incarceration that can be verified according to the above guidelines.

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.

Effective July 1, 2024, where a defendant owes fines and costs and where such defendant's sole financial resource is a Social Security benefit (Social Security retirement or disability or SSI benefit), such defendant shall be exempt from making payments until he/she has another source of income. This policy shall be retroactive to all cases.

Entered this 2 day of January, 2025.


John S. Martin, Judge