

VIRGINIA:

IN THE CIRCUIT COURT OF WESTMORELAND COUNTY

ORDER FOR COURT PAYMENT PLANS FOR THE
COLLECTION OF FINES AND COSTS

Pursuant to Section 19.2-354A of the Code of Virginia, 1950, as amended, whenever a defendant convicted of a traffic infraction or violation of any criminal law of the Commonwealth or of any political subdivision thereof or found not innocent in the case of a juvenile, who is sentenced to pay a fine, restitution, forfeiture, or penalty may pay such fine, restitution, forfeiture or penalty. The Clerk of this Court is hereby authorized to establish, approve and enter into, in accordance with all the terms of Rule 1:24 of the Rules of the Supreme Court of Virginia, an initial agreement and one subsequent agreement for satisfaction of same using one of the following payment alternatives:

1. Installment Payments.

A down payment shall not be required to begin to pay on installments. A down payment may be required to begin a new payment plan after default on the initial plan.

If fines/costs owed are less than \$500.00 then the down payment required shall not be more than 10% of the amount owed. If fines/costs owed are more than \$500.00 then the down payment required shall not be more than 5% of the amount owed or \$50.00, whichever amount is greater.

2. Deferred Payment.

3. Modified Deferred Payment.

4. Community Service Work at \$7.75 per hour (cannot be applied toward restitution).

Defendant is given notice of all fines, costs, forfeiture, restitution, penalty and assessments at the conclusion of the case. Defendant's payment plan may be stated on the record at the conclusion of sentencing.

The Clerk may require Defendant to complete and submit a Petition upon a form supplied by the Clerk which includes financial information.

If Defendant and Clerk are unable to agree on a plan, then Defendant's plan shall be presented to the presiding judge for consideration.

Court may assess a one-time fee not to exceed \$10.00 to cover the costs of managing Defendant's account if said account is not paid within 90 days.

If Defendant fails to abide by the Agreement or wishes to modify same, then Defendant can proceed before the Clerk for the initial and second plan. After default on two plans the Defendant must proceed before the judge.

Defendant shall promptly inform this Court of any change of address.

NOTICE TO DEFENDANT

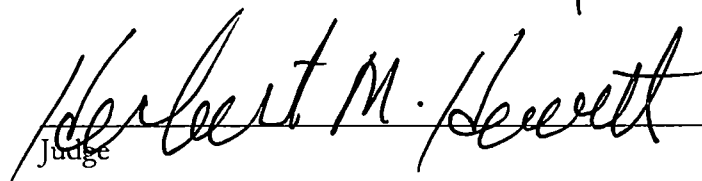
Your fines and costs equal \$_____. If your sole financial resource is a Social Security benefit or Supplemental Security Income, then you are not required to pay until you have another resource or income. As long as your sole income remains unchanged, your account will not go to collections.

Please understand that any restitution that you may have been ordered to pay is not included in this exemption of payment and is due as the court has ordered.

Upon failure to pay or failure to perform community service work, you may be fined or imprisoned pursuant to Section 19.2-358 and your privilege to operate a motor vehicle will be suspended pursuant to Section 46.2-395 of the Code of Virginia, 1950, as amended.

The Clerk of this Court is hereby ordered to present a copy of this order to the Defendant at the conclusion of sentencing as well as post a certified copy of this order in the Clerk's Office and on the Court's available website.

ENTER this 26th day of June, 2024.


Judge

PETITION FOR DEFERRED, MODIFIED DEFERRED, COMMUNITY SERVICE WORK OR INSTALLMENT PAYMENT OF FINE AND COSTS

VIRGINIA: IN THE CIRCUIT COURT OF WESTMORELAND COUNTY

CASE NO: _____

☐ COMMONWEALTH OF VIRGINIA
☐ CITY/COUNTY OF _____

Vs. _____, Defendant

Defendant's place of residence: _____

I respectfully ask the Court to allow me to pay my fine, forfeiture or penalty and costs in (check one) ☐ deferred ☐ modified deferred, ☐ community service work or ☐ installment payments.

A down payment shall not be required to begin to pay on installments. A down payment may be required to begin a new payment plan after default on the initial plan.

If fines/costs owed are less than \$500.00 then the downpayment required may not be more than 10% of the amount owed. If fines/costs owed are more than \$500.00 then the downpayment required shall be 5% of the amount owed or \$50.00, whichever amount is greater. In support of my Petition, the following financial information is provided:

Your fines and costs equal \$ _____. If your sole financial resource is a Social Security benefit or Supplemental Security Income, then you are not required to pay until you have another resource or income. As long as your sole income remains unchanged, your account will not go to collections.

Please understand that any restitution that you may have been ordered to pay is not included in this exemption of payment and is due as the court has ordered.

	<u>Employer(s)</u>	<u>Occupation</u>
Defendant	_____	_____
Spouse	_____	_____
Number of Dependents	_____	_____

	<u>Defendant</u>	<u>Spouse</u>
Household Net Income:		
Take-Home Pay (after taxes, etc.)	\$ _____	\$ _____
Other Income Sources (specify)	\$ _____	\$ _____
Dependents Monthly Income	\$ _____	\$ _____
TOTAL MONTHLY NET INCOME (A) =	\$ _____	

Assets:		
Bank Accounts/Cash on Hand	\$ _____	\$ _____
Personal Property Tangible/Intangible	\$ _____	\$ _____
Other Assets/Real Estate		
Interest (Equity/Income)	\$ _____	\$ _____
TOTAL ASSETS (B) =	\$ _____	

Debts Owed:		
Car, Housing, Credit Card, Loan, Etc.	\$ _____	\$ _____
TOTAL DEBTS (C) =	\$ _____	

Exceptional Expenses:		Number of Dependents: _____
Medical Expenses	\$ _____	
Court-ordered support payments	\$ _____	
Child Care Payments	\$ _____	
Approximate indebtedness to other persons	\$ _____	
TOTAL EXCEPTIONAL EXPENSES (D) -	\$ _____	

(A) + (B) - (C) - (D) = Defendant's available funds \$ _____

My proposed method for payment of my fine and costs if requesting Deferred, Modified Deferred or Installment Plan:

Payment by Community Service Work

1. Restitution, the interest accrued on restitution, and any collection fee required cannot be satisfied by performing Community Service Work.
2. Each Community Service hour performed is valued at \$7.75. Credits are applied against fine and costs, upon receipt and approval by the Court on signed letterhead of the nonprofit organization for which community service was performed detailing the hours and dates worked and the services rendered.
3. The Court grants no credit for Community Service performed pursuant to a conviction order of a court or for which the applicant has already been granted credit of any form.

Defendant's Certificate

When I submit Community Service Work hours for credit against my fine and costs, I swear under penalty of perjury that I have not received credit for those hours previously in any form and was not ordered to perform said hours pursuant to a conviction.

I request to be allowed to pay my fine and costs by performing Community Service Work because I am unable to make substantial monetary payments due to:

I understand that the following provisions apply if the Court grants my Petition.

Violation of the Agreement for Deferred, Modified Deferred or, Installment Payment, may be punished by:

- a. revocation of any suspended sentence or probation; and/or
- b. an additional jail sentence of up to 60 days or fine of up to \$500; and/or
- c. any unpaid amounts owed collected as an unpaid judgment garnishment, levy, etc.

THIS STATEMENT IS MADE UNDER OATH; ANY FALSE STATEMENT OF A MATERIAL FACT TO ANY QUESTION CONTAINED HEREIN SHALL CONSTITUTE PERJURY UNDER THE PROVISIONS OF SECTION 18.2-434 OF THE CODE OF VIRGINIA. THE MAXIMUM PENALTY FOR PERJURY IS CONFINEMENT IN THE PENITENTIARY FOR A PERIOD OF TEN YEARS.

I agree to notify the Court of any change in my address until payment is made in full.

I hereby state that the above information is correct to the best of my knowledge. I acknowledge receipt of a copy of my Petition and agree to accept service of the Court's Order by first class mail to my address of record.

DEFENDANT'S STREET ADDRESS

DEFENDANT'S SIGNATURE

DEFENDANT'S MAILING ADDRESS

TELEPHONE NUMBER OF DEFENDANT

Sworn and signed before me this ____ day of _____, 20____.

CLERK/DEPUTY CLERK

FOR COURT USE ONLY

- | | | |
|---|--|--|
| A. Defendant's Petition | ☐ Accepted | ☐ Rejected. |
| B. Payment Type Approved | ☐ Deferred | Due Date _____ OR |
| | ☐ Installment | Beginning _____ |
| | ☐ Modified Deferred | Final Payment _____ |
| | ☐ CSW | Payment WEEKLY/MONTHLY/OTHER _____ |
| C. Date Due back in Court for Nonpayment: _____ | | Downpayment (if any) for installment plan: _____ |
| D. Total Amount Due: _____ | | |

Date: _____

Updated: 06/24/24

Judge/Clerk