

PRINCE WILLIAM COUNTY
JUVENILE AND DOMESTIC RELATIONS
DISTRICT COURT

SUBJECT:

Payment Agreements for Fines and Costs, Restitution; Request to Modify Existing Payment Agreement; and Community Service

GOAL:

To comply with Virginia Code §§ 19.2-354 and 19.2-354.1

GUIDELINES:

(A) Time to Pay Payment Agreements Authorized by Clerk:

- The Clerk is authorized to establish and approve deferred payment agreements for up to **90 days**.
- **Do not** assess a time to pay fee.
- Update the Financial Accounting System (FAS) with the new due date.

(B) Time to Pay Payment Agreements:

- Time to Pay Payment Agreements **more** than **90 days**, or to modify an existing payment agreement will be established and authorized by a judge.
- The defendant **must complete** a Petition for Payment Agreement for Fines and Costs/Financial Statement (form DC-211) for the judge to assess the defendant's ability to pay.
- The Deputy Clerk will review the Petition for Payment Agreement for Fines and Costs (form DC-211) for accuracy and witness the defendant's signature on the form.
- The request for Time to Pay Payment Agreement will be handled **administratively** by any judge that is available to consider the request.

- Once the judge has addressed the request and authorized the payment agreement, the Deputy Clerk will provide the defendant with a copy of the completed form.

(C) Request to Modify an Existing Payment Agreement:

- Same requirements as noted above apply. **NOTE-** If a payment agreement was entered into in court at the time of trial or disposition, the request will be considered a subsequent modification of the existing payment agreement.
- The judge will complete the Order portion of the Petition for Payment Agreement for Fines and Costs or Request to Modify Existing Agreement form (DC-211).
- A down payment of 5% or \$50.00 (whichever is greater) when the fine and costs owed are more than \$500.00, may be required.
- If the request is **after** the default payment agreement, a down payment of 10% is required, if less than \$500.00. If over \$500.00, then \$50.00 or 5% (whichever is greater) shall be required.
- Once the judge has addressed the request and authorized the payment agreement, the Deputy Clerk will provide the defendant with a copy of the completed form.
- **Assess** the \$10.00 time to pay fee (137) **ONLY** on or after day **91**.
- The Deputy Clerk will collect the required down payment from the defendant and update the Financial Accounting System (FAS) with the new due date.

(D) Request to Participate in Community Service Program:

- Complete the Petition for Payment Agreement of Fines and Costs or Request to Modify Existing Agreement (form DC-211).

- The Deputy Clerk will review the Petition for Payment Agreement of Fines and Costs or Request to Modify Existing Agreement for accuracy and witness the defendant's signature on both forms.
- The DC-211 will serve as the motion and a court date will be set to appear in court. Generate a Notice of Hearing to give to the defendant and have the defendant sign the court copy acknowledging it.
NOTE: Schedule the motion timely on the court docket.

Approved: _____

D. Scott Bailey
Chief Judge

Dated: _____

1/15/21