

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF NEWPORT NEWS
IN RE: DEFERRED OR INSTALLMENT PAYMENT PLAN AGREEMENT
GUIDELINES FOR THE NEWPORT NEWS CIRCUIT COURT

Whenever an individual is convicted of a felony, misdemeanor or a traffic infraction the court will assess court costs and/or fines in accordance with the Code of Virginia. These are due at the time of conviction unless the individual enters into a deferred payment agreement with the Court on the date of conviction. If a deferred payment agreement is not granted by the Court, the individual may enter into an installment payment plan with the Clerk of Court.

Therefore, it is ORDERED that the Clerk of this Court is hereby authorized to implement, in accordance with Rule 1:24 of the Rules of Supreme Court of Virginia, the attached guidelines for establishing an Installment Plan Agreement for the collection of fines, court costs & restitution effective July 1, 2017.

Entered this 14th day of July, 2017.



Bryant L. Sugg, Chief Judge

RULES OF SUPREME COURT OF VIRGINIA
PART ONE
RULES APPLICABLE TO ALL PROCEEDINGS

Rule 1:24. Requirements for Court Payment Agreements for the Collection of Fines and Costs.

The purposes of the statutory court collection process are (i) to facilitate the payment of fines, court costs, penalties, restitution and other financial responsibilities assessed against defendants convicted of a criminal offense or traffic infraction, (ii) to collect the monies due to the Commonwealth and localities as a result of these convictions, and (iii) to assure payment of court-ordered restitution to victims of crime. To achieve these purposes and the additional purpose of enabling defendants to restore their driver's licenses pursuant to § [46.2-395](#), this Rule is intended to ensure that all courts approve deferred and installment payment agreements consistent with §§ [19.2-354](#), 19.2-354.1, and the provisions of this Rule and to further the legal values of predictability, fairness, and similarity in the collection of fines, court costs, penalties, and restitution throughout the courts of the Commonwealth.

(a) *Definitions.* —

- (1) “Fines and costs” shall mean all the fines, court costs, forfeitures, and penalties assessed in all cases by a single court against a defendant for the commission of crimes or traffic infractions. “Fines and costs” shall also include restitution unless the court orders a separate payment schedule for restitution.
- (2) An “installment payment agreement” is an agreement in which the defendant agrees to make monthly or other periodic payments until the fines and costs are paid in full.
- (3) A “deferred payment agreement” is an agreement in which the defendant agrees to pay the full amount of the fines and costs at the end of the agreement's stated term and no installment payments are required.
- (4) A “modified deferred payment agreement” is a deferred payment agreement in which the defendant also agrees to use best efforts to make monthly or other periodic payments.

(b) *Access to payment alternatives.* — Any defendant who is unable to pay in full fines and costs for a particular offense within 30 days of conviction, or other disposition authorized by law, must be offered by the convicting court the opportunity to enter into a deferred payment agreement, a modified deferred payment agreement or an installment payment agreement to pay those fines and costs. The court shall not deny a defendant the opportunity to enter into a deferred, modified deferred, or installment payment agreement solely because (i) the defendant previously defaulted under the terms of a payment agreement, (ii) the fines and costs have been referred for collection pursuant to § [19.2-349](#), (iii) a defendant has not established a

payment history, (iv) of the category of offense for which the defendant was convicted or found not innocent, (v) the defendant is eligible for a restricted license under subsection E of § [46.2-395](#), or (vi) of the total amount of all fines and costs.

(c) *Notice of payment alternatives.* — The court shall give the defendant written notice of deferred, modified deferred, and installment payment agreements and, if a community service program has been established, the availability of earning credit toward discharge of fines and costs through the performance of community service work.

(d) *Conditions of a payment agreement.* — All the fines and costs that a defendant owes for all cases in any single court may be incorporated into one payment agreement, unless otherwise ordered by the court in specific cases. A payment agreement shall include only those outstanding fines and costs for which the limitations period set forth in § [19.2-341](#) has not run.

In determining the length of time to pay under a deferred, modified deferred, or installment payment agreement and the amount of the payments, a court shall take into account the defendant's financial resources and obligations, including any fines and costs the defendant owes in other courts. In assessing the defendant's ability to pay, the court shall use a written financial statement, on a form developed by the Executive Secretary of the Supreme Court, setting forth the defendant's financial resources and obligations or conduct an oral examination of the defendant to determine his financial resources and obligations. The court may require the defendant to present a compliance summary prepared by the Department of Motor Vehicles of the other courts in which the defendant also owes fines and costs.

The length of a payment agreement and the amount of the payments shall not be based solely on the amount of fines and costs and shall be reasonable in light of the defendant's financial resources and obligations.

If a down payment is required to enter into a payment agreement, it shall be a minimal amount to demonstrate the defendant's commitment to paying the fines and costs. In the case of an installment payment agreement, if the fines and costs owed are \$500 or less, the required down payment may not exceed 10 percent of such amount owed or, if the fines and costs owed are more than \$500, the required down payment may not exceed 5 percent of such amount owed or \$50, whichever is greater. A defendant may choose to make a larger down payment.

Where available, the court may provide community service work as an option to defray fines and costs, especially when the defendant is indigent or otherwise unable to make meaningful payments. Any portion of the community service completed should be credited to the defendant's obligations. Community service shall not be credited against any amount owed as restitution, the interest which has accrued on restitution, and any collection fee required.

At any time during the duration of a payment agreement, the defendant may request a modification of the agreement in writing, on a form provided by the Executive Secretary of the Supreme Court, and the court may grant such modification based on a good faith showing of need.

(e) *Timeliness of payments.* — Any payment which is received within 10 days of the date due shall be considered timely made.

(f) *Combined payment agreements.* — The court may offer a payment agreement combining an appropriate initial period during which no payment of fines and costs is required, followed by a period of installment payments. Such a combined payment plan may be appropriate when the defendant is incarcerated, but should not be limited only to these circumstances.

(g) *Re-entry into a payment agreement after default.* — A court shall consider a request by a defendant who has defaulted on a payment agreement to enter into a subsequent payment agreement. In determining whether to approve the request for a subsequent payment agreement, the court shall consider any change in the defendant's circumstances.

When a defendant enters into a subsequent payment agreement, a court shall not require a defendant to establish a payment history on the subsequent payment agreement before restoring the defendant's driver's license. A court shall require a down payment to enter into a subsequent payment agreement, provided that (i) if the fines and costs owed are \$500 or less, the required down payment shall not exceed 10 percent of such amount or (ii) if the fines and costs owed are more than \$500, the required down payment shall not exceed 5 percent of such amount or \$50, whichever is greater.

Promulgated by Order dated November 1, 2016; effective February 1, 2017.

Last amended by Order dated April 27, 2017; effective July 1, 2017.

**PETITION FOR DRIVER'S LICENSE REINSTATEMENT AFTER
DEFAULT OF PAYMENT TO THE CIRCUIT COURT
CITY OF NEWPORT NEWS, VIRGINIA**

I, hereby petition this Court for reinstatement of my driver's license subject to a payment plan being established between the Clerk of this Court and myself. I further understand that if I am financially unable to pay the amounts described on the Payment Plan information sheet I will be required to complete a financial eligibility form which will be submitted to the Court for consideration.

I understand that any payment plan resulting in the reinstatement of my driver's license will address all of my unpaid Newport News Circuit Court accounts that are less than 20 years old.

I further understand that payments under this plan will be applied to my unpaid accounts in order of the age of the account beginning with the oldest and working to the most recent.

Petitioner's Name: _____

Address: _____

City/State/Zip: _____

Telephone: _____

Present Balance of Newport News Circuit Court Delinquent Accounts:

\$ _____

Print Name of Petitioner

Social Security Number

Signature of Petitioner

Date

ARE YOUR WAGES BEING GARNISHED?
_____ YES _____ NO

Payment Due Date
(Must be within 31 days of today's date)

TAX DEPT NOTIFIED _____

CLERK'S INITIALS _____

*****KEEP THIS DOCUMENT FOR YOUR RECORDS*****

**NEWPORT NEWS CIRCUIT COURT
PAYMENT PLAN INFORMATION SHEET**

All Circuit Court accounts that default after July 1, 2013 incur a 17% collection fee on the unpaid principal balance. If you are placed on our plan prior to having defaulted the 17% collections fee will not be added unless you fail out of the plan.

1. Return completed petition and down payment to Clerk's Office;
2. Payments are as follows: \$50/month with a down payment. If fines and costs owed are \$500 or less, down payment is 10% of such amount owed or, if amount owed is more than \$500, the down payment will be 5% of such amount or \$50, whichever is greater. If you are financially unable to pay the above amounts, you will be required to complete a financial eligibility form which will be submitted to the Court for consideration.
3. Clerk will provide a DC-30 Form to take to D.M.V.;
4. Clerk will withdraw any garnishment in place for this debt;
5. Payer will make each and every payment IN FULL and ON TIME;
6. All payments are applied by age of debt – oldest debt first;
7. Plan applies to Newport News CIRCUIT COURT accounts only;
8. Any time during your plan, you may request a modification based upon a good faith showing of need.

*****WARNING *** WARNING *** WARNING *****

This is your OFFICIAL NOTIFICATION that your DRIVER'S LICENSE will be SUSPENDED and a wage garnishment issued to your employer upon missing any payment. If you drive after defaulting on the plan you will be DRIVING UNDER SUSPENSION

Your \$50.00 _____ monthly payments are due by 4:15 p.m. on the _____ of each month beginning _____. If your due date falls on a weekend, a holiday or any day we are closed you have until 4:15 p.m. the next business day.

Acceptable Methods of Payment

Cash Money Order Personal Check (VA Bank)

VISA/MasterCard
AMEX/Discover
(2% convenience fee applies)

Online at <https://eapps.courts.state.va.us/fmsOnline>

Newport News Circuit Court Clerk
2500 Washington Ave.
Newport News, VA 23607
(757) 926-8355

Petition for Payment Agreement for Fines and Costs for Newport News Circuit Court

(Request for Lower Down Payment/Monthly Payment)

Name: _____

Phone Number: _____ Email address: _____

Address: _____

Total Amount of Fines/Costs/Restitution due to Newport News Circuit Court \$ _____

If unable to make the required down payment and/or monthly payment please indicate the amount you are able to pay below:

Down Payment \$ _____ Monthly Payment \$ _____

Financial Information

SELF

Employment Information

Employed: () YES* () NO

*If yes, please indicate Employer's Name & Address

Occupation: _____

Take Home Pay (after taxes): \$ _____

Pay Period (Circle one):

WEEKLY BI-WEEKLY SEMI-MONTHLY MONTHLY

Other Income Sources (PLEASE SPECIFY)

Number of Dependents: _____

Public Assistance

() **DO NOT** receive public assistance () I receive public assistance. **Please check all that apply:**

() TANF \$ _____ () SNAP/Food Stamps \$ _____ () Medicaid

() Social Security Income \$ _____ () Other (specify) \$ _____

SPOUSE

() No Spouse

Employed: () YES* () NO

*If yes, please indicate Employer's Name & Address

Occupation: _____

Take Home Pay (after taxes): \$ _____

Pay Period (Circle one):

WEEKLY BI-WEEKLY SEMI-MONTHLY MONTHLY

Other Income Sources (PLEASE SPECIFY)

Total Monthly Net Income \$ _____

Debts Owed (amount paid per month)

SELF

Car Payment \$ _____

Rent/Mortgage Payment \$ _____

Credit Card Payments \$ _____

Other Monthly Payments \$ _____

SPOUSE

Car Payment \$ _____

Rent/Mortgage Payment \$ _____

Credit Card Payments \$ _____

Other Monthly Payments \$ _____

Total Monthly Debts \$ _____

Court Debt Owed in Other Courts:

() I currently owe unpaid fines, costs, forfeiture, restitution in _____ other courts.
of courts

Total paid monthly towards unpaid court debts \$ _____

() I **DO NOT** have unpaid court debt in other courts.

Assets

SELF

Bank Account/Cash on hand \$ _____

Real Estate \$ _____

Motor Vehicle \$ _____

Other Assets (specify) \$ _____

SPOUSE

Bank Account/Cash on hand \$ _____

Real Estate \$ _____

Motor Vehicle \$ _____

Other Assets (specify) \$ _____

Total Assets \$ _____

Exceptional Expenses (Total Exceptional Expenses of Family)

Medical (list only unusual and continuing expenses) \$ _____
Court-Ordered child support payments/alimony \$ _____
Child-Care payments (e.g. daycare) \$ _____
Other (describe) _____
\$ _____

Total Exceptional Expenses \$ _____

This statement is made under oath, any false statements of a material fact to any questions contained herein shall constitute perjury under the provisions of VA Code § 18.2-434. The maximum penalty for perjury is confinement in the state penitentiary for a period of ten years.

I hereby state that the above information is correct to the best of my knowledge.

_____ Date _____ Defendant

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

_____ () Clerk () Deputy Clerk

For Notary Public Use Only:

State of _____ () City () County _____

Acknowledged, subscribed and sworn to before me this _____ day of _____, 20_____.

_____ Notary Registration Number _____ Notary Public
My commission expires: _____

Order for Request for Lower Down Payment and/or Lower Monthly Payment

Upon the request for a lower down payment and/or lower monthly payment,

- () a lower down payment of \$ _____ is approved.
- () a lower monthly payment of \$ _____ is approved.
- () the request for a lower down payment is denied, and 5% of total fines/costs/restitution as a down payment is required.
- () the request for a lower monthly payment is denied, and a payment of \$50 per month is required.

_____ Date _____ Judge

Request to Modify an Existing Payment Agreement for Fines and Costs (Request for Lower Monthly Payment)

Name: _____

Phone Number: _____ Email address: _____

Address: _____

Total Amount of Fines/Costs/Restitution due to Newport News Circuit Court \$ _____

Current Monthly Payment in Newport News Circuit Court \$ _____

Please indicate the monthly amount you are requesting to pay below:

Monthly Payment \$ _____

Financial Information

SELF

Employment Information

Employed: () YES* () NO

*If yes, please indicate Employer's Name & Address

Occupation: _____

Take Home Pay (after taxes): \$ _____

Pay Period (Circle one):

WEEKLY BI-WEEKLY SEMI-MONTHLY MONTHLY

Other Income Sources (**PLEASE SPECIFY**)

Number of Dependents: _____

Public Assistance

() I **DO NOT** receive public assistance () I receive public assistance. **Please check all that apply:**

() TANF \$ _____ () SNAP/Food Stamps \$ _____ () Medicaid

() Social Security Income \$ _____ () Other (specify) \$ _____

Total Monthly Net Income \$ _____

Debts Owed (amount paid per month)

SELF

Car Payment \$ _____

Rent/Mortgage Payment \$ _____

Credit Card Payments \$ _____

Other Monthly Payments \$ _____

SPOUSE

Car Payment \$ _____

Rent/Mortgage Payment \$ _____

Credit Card Payments \$ _____

Other Monthly Payments \$ _____

Total Monthly Debts \$ _____

Court Debt Owed in Other Courts:

() I currently owe unpaid fines, costs, forfeiture, restitution in _____ other courts.
of courts

Total paid monthly towards unpaid court debts \$ _____

() I **DO NOT** have unpaid court debt in other courts.

Assets

SELF

Bank Account/Cash on hand \$ _____

Real Estate \$ _____

Motor Vehicle \$ _____

Other Assets (specify) \$ _____

SPOUSE

Bank Account/Cash on hand \$ _____

Real Estate \$ _____

Motor Vehicle \$ _____

Other Assets (specify) \$ _____

Total Assets \$ _____

Exceptional Expenses (Total Exceptional Expenses of Family)

Medical (list only unusual and continuing expenses) \$ _____
Court-Ordered child support payments/alimony \$ _____
Child-Care payments (e.g. daycare) \$ _____
Other (describe) _____
\$ _____

Total Exceptional Expenses \$ _____

Reason for requesting a lower monthly payment _____

This statement is made under oath, any false statements of a material fact to any questions contained herein shall constitute perjury under the provisions of VA Code § 18.2-434. The maximum penalty for perjury is confinement in the state penitentiary for a period of ten years.

I hereby state that the above information is correct to the best of my knowledge.

_____ Date _____ Defendant

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Upon the request for a lower down payment and/or lower monthly payment,

- () a lower down payment of \$ _____ is approved.
- () a lower monthly payment of \$ _____ is approved.
- () the request for a lower down payment is denied, and 5% of total fines/costs/restitution as a down payment is required.
- () the request for a lower monthly payment is denied, and a payment of \$50 per month is required.

_____ Date _____ Judge

APPLICATION TO PERFORM COMMUNITY SERVICE FOR CREDIT TO BE APPLIED TO FINES AND/OR COSTS

APPLICANT NAME _____

ADDRESS _____

PHONES HOME _____ CELL _____ WORK _____

1. You must submit with this application:
 - a. A completed financial information form
 - b. A DMV Compliance summary. (May be obtained at Newport News Treasurer's Office.)

The location at which you propose to perform community service must be non-profit, reputable and established in the Commonwealth of Virginia without any personal connection to you. The organization and location must be identified in this application and a responsible person must sign this form agreeing to supervise the community service and that the organization will report in writing to the Newport News Circuit Court Clerk's office the location and number of hours performed no later than the fifteenth of each month following the approval of this application. The hours will be credited using the current minimum hourly wage. (NO CREDIT WILL BE GIVEN FOR COMMUNITY SERVICE PERFORMED BEFORE APPROVAL OF THIS APPLICATION)

ORGANIZATION NAME: _____

ADDRESS _____

PHONE NUMBER & EMAIL _____

SUPERVISOR NAME AND POSITION _____

WE AGREE TO SUPERVISE THE ABOVE APPLICANT TO PERFORM COMMUNITY SERVICE FOR OUR ORGANIZATION AT _____

AND REPORT THE HOURS OF SERVICE PERFORMED MONTHLY TO THE NEWPORT NEWS CIRCUIT COURT CLERK'S OFFICE.

SIGNATURE	POSITION	DATE	PHONE NUMBER
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APPROVED _____ **DENIED** _____

NEWPORT NEWS CIRCUIT COURT JUDGE **DATE**