

VIRGINIA:

IN THE CIRCUIT COURT FOR THE 31ST JUDICIAL CIRCUIT
ORDER FOR PAYMENT PLANS FOR UNPAID FINES AND COSTS

It is hereby **ORDERED** that the Clerk of the Circuit Court is authorized to establish deferred payment plans, modified deferred payment plans, and installment payment plans for unpaid fines and costs, pursuant to the mandate of Virginia Code § 19.2-354.1 without the defendant being required to appear before a judge to request same, and without requiring further authorization from a judge, within the parameters stated below. This Order supersedes prior Orders on the same subject.

1. A defendant who is unable to pay in full the fines and costs within 30 days of sentencing shall be permitted the opportunity to enter into a deferred payment agreement, modified deferred payment agreement or installment payment agreement.

2. A defendant shall not be denied the opportunity to enter into a deferred, modified deferred or installment payment agreement solely (i) because of the category of offense for which the defendant was convicted or found not innocent, (ii) because of the total amount of all fines and costs, (iii) because the defendant previously defaulted under the terms of a payment agreement, (iv) because the fines and costs have been referred for collections pursuant to § 19.2-349, (v) because the defendant has not established a payment history, or (vi) because the defendant is eligible for a restricted license under subsection E of § 46.2-395.

3. In determining the length of time to pay under a deferred, modified deferred or installment payment agreement and the amount of the periodic payments, the Clerk shall consider the defendant's financial resources and obligations, including any fines and costs owed in other jurisdictions. To that end, the Clerk shall use a financial statement developed by the

Executive Secretary of the Supreme Court (Form DC-211, attached) which shall be completed by the defendant under oath. After taking into account the foregoing, the Clerk may, in her discretion, establish the minimum periodic payments that a defendant shall be required to make under an installment payment agreement.

4. The Clerk may require a down payment as a condition of entering into deferred, modified deferred or installment payment agreement to demonstrate the defendant's commitment to paying the fines and costs. The required down payment may not exceed (i) if the fines and costs owed are \$500 or less, 10 percent of such amount, or (ii) if the fines and costs are more than \$500, five percent of such amount of \$50, whichever is greater.

5. Any payment received within 10 days of its due date shall be considered timely made.

6. At any time during the duration of a payment agreement, the defendant may request a modification of the agreement in writing by submitting a new Form DC-211, and the Clerk may grant such modification based on a good faith showing of need.

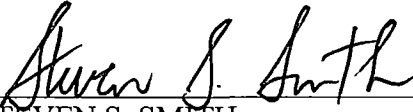
7. The Clerk shall consider a request to enter into a subsequent payment agreement. In determining whether to approve such a request, the Clerk shall consider any change in the defendant's circumstances and shall require a down payment in the amount specified in paragraph 4, above.

8. Any request for a modification of payments owed, in whole or in part, for restitution shall be determined by a judge.

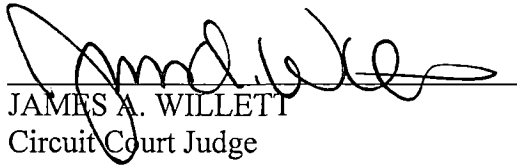
ENTERED this 7th day of May, 2019.



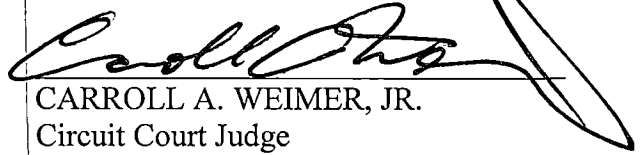
TRACY C. HUDSON
Chief Judge



STEVEN S. SMITH
Circuit Court Judge



JAMES A. WILLETT
Circuit Court Judge



CARROLL A. WEIMER, JR.
Circuit Court Judge



KIMBERLY A. IRVING
Circuit Court Judge

**PETITION FOR PAYMENT AGREEMENT
FOR FINES AND COSTS OR
REQUEST TO MODIFY EXISTING AGREEMENT**

Case No(s)

Commonwealth of Virginia VA. CODE § 19.2-354.1

- General District Court Circuit Court
 Juvenile and Domestic Relations District Court

CITY OR COUNTY

COURT ADDRESS

Commonwealth of Virginia

V.

DEFENDANT/JUVENILE

.....

ADDRESS OF DEFENDANT/JUVENILE

SOCIAL SECURITY NO.

CITY STATE ZIP

TELEPHONE NO.

I cannot pay the fines, costs, forfeiture, restitution (if not otherwise ordered), and/or penalty of \$ in full at this time.

- I respectfully petition the court to allow me to pay the fines, costs, forfeiture, restitution (if not otherwise ordered) and/or penalty plus any additional court-appointed attorney fee, if applicable,
 in periodic payments OR
 in one payment due in full on a future date
 and I shall try to make periodic payments until that future date AND/OR
 by doing community service work to earn credit for finer and costs only, if available.

I respectfully request that the court modify my existing payment agreement for the following reasons:

Court Debt Owed in Other Courts:

- I currently owe unpaid fines, costs, forfeiture, restitution, and/or penalty in other courts.
 I owe a total of \$ in those other courts. I do not know the total of unpaid court debt owed.
 I pay a total of \$ per month towards that unpaid court debt. DMV summary attached.
 I do not have unpaid court debt in other courts.

Financial Information:

The information provided to this court by defendant on Form DC-333, FINANCIAL STATEMENT – ELIGIBILITY DETERMINATION FOR INDIGENT DEFENSE SERVICES, as previously submitted, is unchanged.

OR

This information is provided to this court below in support of this Petition or Request:

Public Assistance:

- I currently receive the following type(s) of public assistance:
 TANF \$ Medicaid Supplemental Security Income \$
 SNAP (food stamps) \$ Other (specify type and amount)
 I do not receive public assistance.

Employment:

- I am employed.
 I am not currently employed and it has been months since I was last employed.

Employer(s)

Occupation

Defendant self-employed

Spouse self-employed

Number of Dependents

Defendant

Spouse

Household Net Income:

Take-Home Pay (after taxes, etc.) \$ \$

Pay Period (weekly, every 2 weeks, twice monthly, monthly) \$ \$

Other Income Sources (specify) \$ \$

Income Contribution of Dependents \$ \$

TOTAL NET INCOME = \$

Defendant

Spouse

Assets:

Bank Accounts/Cash on Hand
Other Assets (specify)

\$

\$

with a value of

\$

\$

Real Estate - \$

\$

\$

NET VALUE

Motor Vehicles
YEAR AND MAKE YEAR AND MAKE

\$

\$

Other Personal Property: (describe)

TOTAL ASSETS = \$

Debts Owed (amount paid per month):

Car payment
Rent/mortgage payment
Credit card payments
Other monthly payments (not including court debt payments)

\$
\$
\$
\$

\$
\$
\$
\$

TOTAL MONTHLY DEBTS = \$

EXCEPTIONAL EXPENSES (Total Exceptional Expenses of Family)

Medical Expenses (list only unusual and continuing expenses) \$

Court-ordered child support payments/alimony \$

[] deducted from paycheck [] not deducted from paycheck

Child-care payments (e.g. day care) \$

Other (describe): } \$

TOTAL EXCEPTIONAL EXPENSES \$

THIS STATEMENT IS MADE UNDER OATH, ANY FALSE STATEMENT 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'S USE ONLY:

State of [] City [] County of

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

NOTARY REGISTRATION NUMBER

NOTARY PUBLIC
(My commission expires:))

ORDER FOR REQUEST TO MODIFY EXISTING PAYMENT AGREEMENT

Upon request to modify an existing payment agreement,

- [] the request is granted based upon a good faith showing of need, and the new payment agreement is set forth on form
- [] DC-210, ACKNOWLEDGMENT OF SUSPENSION OR REVOCATION OF DRIVER'S LICENSE
- [] CC-1379, ACKNOWLEDGMENT OF SUSPENSION OR REVOCATION OF DRIVER'S LICENSE/ORDER AND NOTICE OF DEFERRED PAYMENT OR INSTALLMENT PAYMENTS.
- [] the request is denied, and the current payment agreement continues in full force and effect.

DATE

[] JUDGE [] CLERK [] DEPUTY CLERK