

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF RAPPAHANNOCK

IN RE: DEFERRED OR INSTALLMENT PAYMENT AGREEMENT GUIDELINES
AND PROCEDURES FOR COURT COSTS, FINES AND RESTITUTION
PURSUANT TO VIRGINIA CODE SECTIONS 19.2-354 & 19.2-354.1


ORDER

The Clerk may enter into and approve a deferred payment agreement, or a modified deferred payment agreement, upon the following guidelines:

1. The defendant must appear in person to enter into an agreement and no payment agreements shall include accounts that are 20 years or older.
2. The agreed upon monthly payment shall be no less than \$50.00 per month unless documented extenuating circumstances exist and is approved by the Court. 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.
3. The start date shall not be more than forty-five (45) days from the date the payment agreement is entered into.
4. Any default on the deferred payment or installment payment agreement shall allow the Tax Commissioner to act in accordance with Virginia Code § 19.2-349 to collect all fines, costs, forfeitures and penalties, including any Court Ordered restitution of a sum certain. The failure to make payments as agreed upon will also result in the suspension of the defendant's operator's license pursuant to Virginia Code § 46.2-395.
5. 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.
6. The Court shall require a down payment to enter into a subsequent payment agreement, provided that the down payment required to enter into a subsequent payment agreement shall not exceed (i) if the fines and costs owed are \$500 or less, five percent of such amount or (ii) if the fines and costs owed are more than \$500, ten percent of such amount. After such down payment, the defendant may set up the plan in accordance with the guidelines above.

7. Upon approval by the Court, the defendant may participate in a community service program and receive credit towards the defendant's financial obligation for such services at the Federal minimum wage rate. Community Service is supervised by the Department of Community Corrections and District 25 Probation and Parole. This option Cannot be used to pay off restitution.
8. This Order supersedes any previous payment guidelines Orders entered.

Enter this 13th day of February 2023.



James E. Plowman, Jr., Judge