

VIRGINIA:

**IN THE JUVENILE & DOMESTIC RELATIONS DISTRICT COURT OF NELSON
COUNTY**

TIME-TO-PAY AND COMMUNITY SERVICE POLICY

The Nelson County Juvenile & Domestic Relations District Court Clerk's Office will offer a Time-to-Pay Plan as payment agreement for defendants/respondents owing court costs and/or fines to the Nelson County Juvenile & Domestic Relations District Court who are unable to pay in full within 30 days of conviction, or other disposition authorized by law.

The Nelson County Juvenile & Domestic Relations District Court offers an installment payment plan of \$50.00 per month on the balance of any court cost and/or fines owed or a deferred payment plan in which the balance owed to the court is due within 90 days of disposition. No down payment is required. A one-time \$10 service fee is added to the balance of court costs when entering into a payment agreement that exceeds 90 days.

In the event the payment agreement defaults and there is a request for another payment agreement, the defendant/respondent may do so upon a down payment not to exceed 10%, if the fines and costs owed are \$500 or less, or if the fines and costs owed are more than \$500, five percent or \$50, whichever is greater. VA Code §19.2-354.1(E).

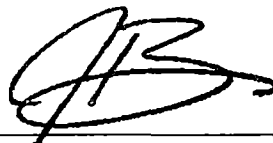
Defendants/respondents desiring to enter into a payment agreement must execute such agreement in person at the clerk's office. Those requesting a modification of an existing payment agreement must do so in writing.

For conditions of hardship, the Clerk of Court may grant exceptions. The Court shall take into account the defendant's financial resources and obligations, including fines and costs the defendant owes in other courts.

Any payment which is received within 10 days of the due date shall be considered timely made.

Pursuant to Va. Code § 19.2-354(C), a defendant owing fines and/or costs to the court may discharge fines and/or costs by earning credit for community service. The Clerk of Court is authorized to approve initial applications for entry into the program, remove participants for failure to comply with program terms, and otherwise administer the program. In order to perform community service to discharge fines and/or costs, the following program requirements must be met:

- a) Community service for credit toward fines and/or costs may only be performed through non-profit organizations.
- b) Community service shall be credited at the current Virginia minimum wage rate (\$7.25/hour as of 07/01/2018).
- c) Community service cannot be used to pay restitution or *guardian ad litem* fees – it is only credited to fines and/or costs owed to the Court.
- d) A defendant who has been ordered to perform community service hours as a part of any court-ordered sentence, plea agreement, or deferred disposition shall not be able to apply those hours toward fines and/or costs.
- e) Hours worked/submitted for credit in this Court shall not be submitted to any other court/jurisdiction for credit.
- f) A minimum of sixteen (16) hours of work per calendar month is required. A certification form (available from the Clerk) must be submitted no later than 4:00 PM on the 7th day of each month certifying the number of hours worked in the previous month. Failure to submit a certification form on time will result in removal from the program.
- g) All community service for credit must be documented on forms provided by the Clerk's Office. The forms must be signed by a supervisor at the organization where the work was performed. Failure to complete and/or properly submit the minimum number of hours monthly will result in removal from the program.
- h) If a defendant is removed from the community service program, the balance of the fines and/or costs owed shall be due within thirty (30) days of removal from the program unless the party enters into an approved payment plan.
- i) Once a defendant has been removed from the community service program, re-entry into the program will not be considered for a minimum of twelve (12) months from the removal date. Requests to re-enter the program after a removal will be considered by the presiding judge on a case-by-case basis.
- j) In addition to the application form, the Clerk may also require completion of a sworn Financial Statement (Form DC-333) if a recent statement is not included in the case file.
- k) Exceptions to this policy are in the sole discretion of the presiding judge.
- l) Any false information provided to the Court shall be punishable as contempt of court.



Jeffrey P. Bennett, Presiding Judge