

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF HANOVER

IN RE: INSTALLMENT PAYMENT AGREEMENT GUIDELINES FOR COURT COSTS,
FINES AND RESTITUTION

Payment Plan Policy

In accordance with Rule 1:24 of the Rules of the Supreme Court of Virginia, the court adopts the following as a Payment Plan Policy for the collection of fines, costs and restitution, unless the court orders a specific payment schedule for restitution as part of the disposition of a criminal case:

1. Any defendant who is unable to pay fines, costs and restitution, as defined in Rule 1:24, for a particular offense within 30 days of conviction, or other disposition authorized by law, may enter into either a deferred payment plan, a modified deferred payment plan or an installment payment plan, as defined below, to pay those fines and costs.

“Installment payment plan” is a plan in which the defendant agrees to make monthly or other periodic payments until the fines and costs are paid in full.

“Deferred payment plan” is a plan in which the defendant agrees to pay the full amount of fines and costs at the end of its stated term and no installment payments are required.

“Modified deferred payment plan” is a deferred payment plan in which the defendant also agrees to use best efforts to make monthly or other periodic payments.
2. All fines, costs and restitution that a defendant owes for all cases in this court may be incorporated into one payment plan. Anyone seeking to set up a payment plan for more than one case must inform the clerk of their desire to include all outstanding fines, costs and restitution.
3. In determining the amount required for payment under an installment plan, the court will consider the resources and other obligations of the defendant, including payments owed to other courts, as required by Rule 1:24. The clerk of this court is authorized to establish and approve individual deferred or installment payment agreements in accordance with Virginia Code Section 19.2-354(A)(ii).
4. If a defendant seeks to enter into an installment payment plan, a down payment is required. If the fines, costs and restitution owed are \$500 or less, a down payment of 10% of the amount owed is required. If the fines, costs and restitution owed are more than \$500, the required down payment is \$50, unless a higher amount is required by the court.
5. Upon request, the court may authorize community service performed before or after imprisonment in lieu of paying fines and costs.
 - a. Community service CANNOT be used to satisfy any portion of restitution, including any interest owed on a restitution obligation.


- b. In accordance with Virginia Code Section 19.2-354 paragraphs (A) and (C), the hourly amount to be credited toward fines and costs is based on the federal minimum wage rate.
- c. In order to be given credit for community service a defendant is required to perform community service for a non-profit or government agency and provide sufficient proof of work performed and hours completed to the court from the supervising agency on a document signed by the supervisor. ANY FALSE DOCUMENTATION IS SUBJECT TO PROSECUTION.
- d. Community service performed in accordance with this policy is in addition to community service ordered at sentencing.
- e. To remain eligible for the community service program, the defendant must provide proof of completed community service every thirty (30) days from entry of the order approving the request to participate in the community service program.
- f. After sixty (60) days of failing to provide proof of completed community service, the defendant will be removed from the program, and will need to reapply for future participation. The defendant will not receive credit for community service performed between the date of last report and the date of reentry into the program. In addition, the defendant's driver's license may be suspended and collection activity may commence.

For any request made, a defendant shall specify the type of payment plan requested, the amount of down payment and either the amount of periodic payment or desired due date under the plan. Any periodic payment amount of less than \$50 per month and any request to waive the down payment will need to be requested in writing and approved by the judge.

At any time during the payment plan, a defendant may request a modification of the plan, which will be granted based on a good faith showing of need. To request a modification, a defendant must file a written request detailing the basis for the modification. After default, any defendant may re-apply to participate in a payment plan and will be permitted to enter a new payment plan provided he/she makes a down payment as outlined in paragraph 4.

A payment plan will be detailed on Form CC-1379 and signed by the defendant. The clerk of this court is ORDERED to provide each defendant with a written copy of the Payment Plan Policy unless otherwise provided by the court.

Entered this 6th day of September 2018.



J. Overton Harris