

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF FREDERICK

DEFERRED/INSTALLMENT PAYMENT POLICY

Effective March 25th, 2020 pursuant to Rule 1:24 of the Supreme Court and Virginia Code 19.2-354(A) & (B), 19.2-354.1, the Court does now enter this order for deferred or installment agreements for the payment of unpaid fines, restitution, and costs.

THEREFORE, it is ADJUDGED AND ORDERED that:

The Clerk of this Court, pursuant to Virginia Code 19.2-354 is authorized to establish and approve deferred or installment agreements for the payment of outstanding costs, fines, and restitution. The following are guidelines established by the Court for the Clerk to apply to the entry of a deferred or installment agreement.

Any defendant who is unable to pay in full fines, costs, and restitution for an offense within 30 days of conviction or other disposition by law will be allowed to an installment payment agreement to those fines, costs and restitution.

If a payment plan is not set by the Court at sentencing, the Defendant is required to make a payment of \$50.00, or 5% of the total amount owed, whichever is greater, in order to be set up on a payment plan. Failure to enter into an agreement will result in the assessment of a 17% collection fee. Decisions as to terms of payment plans are made on a case by case basis based on income, amount of fines, costs, and restitution assessed or ordered, period of probation, etc. As a condition of any payment agreement, the defendant must promptly inform the Court of any change of mailing address during the term of the agreement.

If defendant defaults on his/her initial payment agreement, the Clerk's office will determine the terms and conditions of re-setting up any subsequent payment plans. These terms and conditions will be made on a case by case basis depending on the defendant's circumstances.

If defendant defaults on a payment agreement, then the Department of Taxation may institute collection proceedings through garnishments, tax setoffs, and other means available.

Community Service at approved locations in lieu of payments may be an option to discharge fines, and costs, but not restitution or the collection fee. The Community Service must be approved in advance by the Court or Probation Office. For Community Service to be approved, the defendant must provide in writing the name, address of the agency where the Community Service hours will be performed, the name of a contact person, and the work schedule of the

hours to be performed. The hourly credit is \$8.00. Forms for Community Service hours are available at the Clerk's office.

If Community Service is approved, the defendant will still be required to make \$50.00 monthly payments in addition to Community Service hours.

If restitution is ordered, then restitution will be collected prior to the collection of court costs and fines. At the time of sentencing, the Court shall enter the amount of Restitution to be repaid by the defendant, the date by which all restitution is to be paid, and the terms and conditions of such repayment on a form prescribed by the Office of the Executive Secretary of the Supreme Court of Virginia.

The Clerk may refuse to allow the defendant to enter into a payment plan if the Court has ordered the defendant to pay the court costs and fines by a certain date, and that date has passed.

This order replaces and supersedes any order concerning criminal payment agreements entered by this Court before this date.

ENTERED MARCH 26, 2020.


JUDGE