

Virginia:

In the Circuit Court of the City of Richmond

NOTICE OF PAYMENT ALTERNATIVES FOR FINES AND COSTS

Pursuant to §19.2-354 and §19.2-354.1 of the Code of Virginia

If you are unable to pay fines and costs for the offense(s) of which you were convicted, the Court offers you the opportunity to enter an alternative payment plan.

Terms and Conditions: deferred payment, modified deferred payment, and installment plans ⇒ (Community Service on back)

Definitions:

“Deferred payment agreement” – no installment payments are required but you agree to pay the full amount of the fines and costs at the end of the set term.

“Fines and costs” – all fines, court costs, forfeitures, and penalties assessed by a single court in a case involving the commission of a crime or traffic infraction; this includes restitution unless the court orders a separate payment schedule for restitution.

“Installment payment agreement” – an agreement to make monthly/other periodic payments until fines & costs are paid in full.

“Modified deferred payment agreement” – a deferred payment agreement in which you also agree to use your best efforts to make monthly or other periodic payments.

As a condition of any agreement, you are required to inform the Court promptly of any change of your mailing address.

Pursuant to §19.2-354(A), the Court has authorized the Clerk’s office to approve the following two plans that are available to everyone regardless of financial need: 1) A Deferred Payment Agreement that you will pay all outstanding fees and costs within 6 months or 2) an Installment Payment Agreement that you will pay a minimum of \$50.00 a month towards your fines and costs. To request that the Clerk’s office provide you with one of those two payment agreements, please fill in the request form and sign the Payment Agreement presented to you by the Deputy Clerk (form CC-1379).

To request that the Court grant you permission to enter a payment agreement under different terms, please file the form motion. You must also file the DC-211 form. **After filing the form and your DC-211, you must contact the Clerk’s office at (804)646-6553 within five to seven days to learn the decision of the Court or you risk possible default.** Once you receive confirmation your motion was granted, you will sign the Payment Agreement (form CC-1379). The Court may not deny you the opportunity to enter into a deferred payment, modified deferred payment, or installment payment plan solely (i) because of the category of offense for which you were convicted or found not innocent, (ii) because of the total amount of all fines and costs, (iii) because you previously defaulted under the terms of a payment agreement, (iv) because the fines and costs have been referred to collections, or (v) because you have not established a payment history. In determining the length of time allowed for you to pay under one of these agreements, the Court will consider: (1) your non-exempt financial resources and (2) your obligations, including any fines and costs you may owe to other courts. To assess your ability to pay, the Court will use the DC-211 form you submitted with your application form. In the rare circumstance that this request occurs during a court proceeding, the Court will conduct an in-court oral examination of you to determine your resources and obligations. The Court will set an agreement with a reasonable length and reasonable payment amounts given your non-exempt financial resources and obligations. The Court may offer a payment agreement which combines an initial period in which no payment is required followed by a period of installment payments. On a first agreement, the Court will not require you to make a down payment. On a subsequent payment agreement, the Court may require a down payment. You are permitted to make a down payment if you wish. All the fines and costs you owe this Court may be incorporated into a single agreement. A payment agreement is only permitted to include outstanding fines and costs for which the limitation period has not run.

Grace period: Any payment made within ten days of the due date shall be considered to have been timely made.

NOTICE §19.2-354(D): If you fail to make any ordered payment within the grace period, you may be fined or imprisoned pursuant to §19.2-358.

NOTICE §19.2-354.1(J): If the Court is informed that you receive a Social Security (“SS”) benefit or Supplemental Security Income (“SSI”), no payment towards fines/costs shall be taken from either of these exempt sources. If your sole financial resource is SS or SSI, you are exempt from making payments until you have another financial resource. If you inform the court that your sole financial resource is SS or SSI, your case shall not be referred to collections.

NOTICE OF POTENTIAL TO DEFAULT: If you do not pay the balance in full or enter a payment agreement with the Court you will be in default. If you do not make timely payments as ordered by the Court, you will be in default. If you default, action may be taken against you in accordance with §19.2-349 (see §19.2-354(E)).

At any time during the duration of an agreement, you may request a modification to the agreement by filing a DC-211 form. The Court may choose to grant your request based on a good faith showing of need. If you have defaulted on a payment

agreement, you may petition the Court for a subsequent payment agreement. The Court will consider any change to your circumstances. The Court may require a down payment as a condition of permitting a subsequent payment agreement that may not exceed (i) 10% of the amount owed if the amount owed is \$500.00 or less or (ii) 5% of the amount owed or \$50, whichever is greater, if the amount owed is more than \$500.00.

Community Service Program (Established pursuant to §19.2-354(C))

If you ARE NOT INCARCERATED:

You may apply to the Court for permission to apply community service hours towards your fines and costs using the form motion. If the Court grants your request, you must perform a minimum of 5 community service hours per month, unless the Court's Order specifies otherwise, at an organization receiving 501(c)(3) status through the Internal Revenue Service. The Court will give you credit for your community service hours at the rate of the current minimum wage in the Commonwealth at the time the work was performed.

You must complete sufficient community service hours to discharge your fines and costs within one year unless a longer period is specified by the Court in its order on your motion. If you have not fully discharged your fines and costs within the period allowed, you must either pay the remaining amount or receive approval for a new payment plan before the deadline is passed.

NOTICE OF POTENTIAL TO DEFAULT: If you do not either pay the balance in full or enter a new payment plan before the deadline imposed by the Court, you will be in default. If you default, action may be taken against you in accordance with §19.2-349 (see §19.2-354(E)). After filing your form motion, you must contact the Clerk's office at (804)646-6553 within five to seven days to learn the decision of the Court to avoid possible default.

If your motion is granted, you must submit your community service hours as follows:

⇒ After you have completed your community service hours for each month, you must file with the Clerk of this Court an original letter (not a copy) on the letter head of a non-profit organization with 501(c)(3) status. Failure to meet your monthly requirement could result in the termination of your approval for community service.

⇒ The final letter must be filed no later than one year from the date of the Order granting you permission to use community service hours for your fines and costs. If the Court granted you a longer period for the performance of your community service hours in the Order, the letter must be submitted prior to that deadline.

⇒ Each letter must certify your daily hours for each of your dates of service.

⇒ Each letter must contain the name, contact information, and signature of a representative of the non-profit organization who supervised your community service hours.

⇒ You must sign each letter in front of a notary public, or you must return to the Clerk's Office in person to swear an oath that everything contained in the letter is accurate and true.

If you ARE INCARCERATED:

These categories of work qualify as community service under §19.2-354(C)(ii):

- Work performed as required by a community corrections alternative program pursuant to §19.2-316.4 (CCAP).
- Work performed building or maintaining the roads or performing public works approved by the Director pursuant to §53.1-59.
- Work performed during work release from a state prison pursuant to §53.1-60 or work release from a local jail pursuant to §53.1-131.
- Work performed at a local jail that was authorized by a circuit or district court pursuant to §53.1-128.
- Work performed pursuant to a workforce program of a local jail that was authorized by the local governing body pursuant to §53.1-129.
- Other types of work you may have performed while incarcerated (like work for the facility) are not eligible for application towards fines and costs.

If you are performing that work, you may request the work be applied towards your fines and costs by filing the form motion along with an original letter from the jail, prison, or community corrections alternative program (CCAP) sponsoring the qualifying work program. The letter must certify the hours and dates and type work or certify that the accompanying documentation of the hours and dates and type of work are true and accurate. The letter must contain the name, contact information, and signature of the employee providing the original letter. The Court will review your motion and documentation and issue an order granting or denying your motion. If your motion is granted, the Court will give you credit at the hourly rate of the minimum wage for the Commonwealth for the year in which the work was performed subtracting from that hourly rate any wage you received for your work.