

NOTICE OF PAYMENT ALTERNATIVES FOR FINES AND COSTS

The term “fines and costs” means “all fines, court costs, forfeitures, and penalties assessed in any case by a single court against a defendant for the commission of any crime or traffic infraction,” but the term only includes restitution if the court did **NOT** “order[] a separate payment schedule for restitution.” Code § 19.2-354.1(A).

Payment Agreements

Anyone, regardless of financial need, may enter into an agreement to pay \$25.00/month or an agreement to pay the entire balance in full within six (6) months by executing the agreement Form CC-1379 in the Clerk’s Office.

If you would like to request approval for a different payment agreement, you must provide financial information on Form DC-211 and file it in the Clerk’s Office. The Form DC-211 provides check boxes for you to indicate whether you are requesting approval to make periodic payments or approval to pay in full on a future date. You must contact the Clerk’s Office at (804)646-6553 within **5 - 7 days** of filing Form DC-211 regarding the status of your request and, if an agreement is authorized, execute Form CC-1379 in the Clerk’s Office.

Unless otherwise ordered in specific cases, any other fines/costs you owe a single court may be incorporated into a single agreement. Fines and costs will not be included in the payment agreement if the limitations period has expired. You will not be denied a payment plan solely based on offense type, amount of fines/costs due, previous default/collections, or lack of payment history. As a condition of any agreement, you must promptly inform the Court of any change in your mailing address.

A payment agreement may be modified upon a good faith showing of need. You may request a modification by completing and filing Form DC-211. You must contact the Clerk’s Office at (804)646-6553 within **5 - 7 days** of filing Form DC-211 regarding the status of your request and, if a new agreement is authorized, execute Form CC-1379 in the Clerk’s Office.

If you have previously defaulted, you may petition for a subsequent payment agreement by completing and filing Form DC-211. You must contact the Clerk’s Office at (804)646-6553 within **5 - 7 days** of filing Form DC-211 regarding the status of your request and, if a new agreement is authorized, execute Form CC-1379 in the Clerk’s Office. A downpayment may be required as a condition of a subsequent agreement.

NOTICE OF POTENTIAL DEFAULT If you do not pay the balance in full or execute an approved payment agreement Form CC-1379 on or before the due date, you will be in default. If you fail to make any ordered payment within 10 days of the due date, you will be in default. Default is subject to further action and/or penalty in accordance with Code §§ 19.2-358 and/or 19.2-349.

NOTICE OF EXEMPTION When the court is informed that a defendant receives a Social Security benefit or Supplemental Security Income, no payment toward fines and costs shall be taken from such exempt resource. A defendant whose sole financial resource is a Social Security benefit or Supplemental Security Income is exempt from making payments until such time as the defendant has another financial resource. If the defendant informs the court that his sole financial resource is a Social Security benefit or Supplemental Security Income, the case shall not be referred to collections. This information is provided to the court on Form DC-211.

Community Service Credit

“[A]ny person upon whom a fine and costs have been imposed” is allowed “to discharge all or part of the fine or costs by earning credits for the performance of (i) community service work before or after imprisonment or (ii)

[qualifying] work ... during imprisonment at a local, regional, or state correctional facility.” Code § 19.2-354(C).

Community Service Work Before or After Imprisonment If you are not currently incarcerated and wish to participate in the community service work program, complete Form DC-211 and check the box “[X] by doing community service work to earn credit for fines and costs only, if available.” File the completed form with the Clerk’s Office. Follow up regarding the status of your request within **5 - 7 days** by calling the Clerk’s Office at (804) 646-6553. Participants must comply with all program requirements. Failure to comply with the terms and conditions of the program may result in your authorization being revoked.

1. The minimum number of monthly hours of community service, usually 5 hours, will be specified in the authorization order.
 - a. Community service work must be performed at an organization receiving 501(c)(3) status through the IRS.
 - b. You cannot receive any pay or other consideration for your work from the 501(c)(3) organization.
2. The period of authorization, usually one year, will be specified in the authorization order.
 - a. You must pay off any balance remaining after the application of the community service credits before the end of the period of authorization.
 - b. If you are unable to pay in full, you must enter a court-approved payment plan or receive authorization to continue in the program before the end of the period of authorization.
 - c. Credit will not be received for hours filed after the expiration of the authorization period.
3. You must file original documentation of the hours you worked each month (no photocopies).
 - a. Documentation must be on the letterhead of the 501(c)(3) organization and must state (i) the dates of service, (ii) the hours worked on each date of service, and include (iii) the name, contact information, and signature of the representative of the non-profit organization that supervised your community service hours.
 - b. You must either (i) return to the Clerk’s Office in person to sign the letter under oath, attesting the information in the letter is accurate and true or (ii) sign the letter before a notary public, who must notarize the letter and affix a certificate attesting that you swore the information in the letter is accurate and true.
 - c. The documentation may not be submitted to any other court for the purpose of defraying fines and costs.

If all program requirements are met, credit is calculated based on the prevailing minimum wage in the Commonwealth at the time the work was performed. Credit will only be applied toward the fines and court costs owed in this Court. You will not receive any leftover credit amounts.

NOTICE OF POTENTIAL DEFAULT If your request to participate in the above program is not approved, you must pay the balance in full or execute an approved payment agreement Form CC-1379 on or before the due date to avoid default. If authorization to participate in the program is revoked, you must pay the entire amount in full or enter an approved payment agreement to avoid default. If any amount remains due at the conclusion of the authorization period, you must pay the balance in full, execute an approved payment agreement Form CC-1379, or receive authorization to continue participating in the program before the end of the period outlined in the authorization order to avoid default. Default is subject to further action and/or penalty in accordance with Code §§ 19.2-358 and/or 19.2-349.

Work During Imprisonment If you wish to request credit for work performed during imprisonment, fully complete Form DC-212. You must either (i) attach a letter/statement from the correctional facility or (ii) have a representative of the correctional facility fill in the bottom part of Form DC-212. File the fully executed and notarized Form DC-212, along with the applicable attachments, with the Clerk’s Office. Credit for qualifying work will be calculated based on the prevailing minimum wage in the Commonwealth at the time the work was performed minus any wages received.

NOTICE OF POTENTIAL DEFAULT: If your request that credit be applied for work during imprisonment is not approved or if the applied credits do not satisfy the entire balance owed, you must pay the balance in full or execute an approved payment agreement Form CC-1379 on or before the due date to avoid default. Default is subject to further action and/or penalty in accordance with Code §§ 19.2-358 and/or 19.2-349.