

NOTICE OF PAYMENT ALTERNATIVES FOR FINES AND COSTS

This notice applies to fines or costs imposed by this Court in a criminal or traffic case.

Payment Agreements

As a condition of any payment agreement, the Court must receive prompt notification of any change in mailing address.

Anyone that owes fines or costs in this Court, regardless of financial need, may enter into an agreement to pay \$25.00/month or an agreement to pay the entire balance of fines and costs in full within six (6) months by executing the agreement Form CC-1379 in the Clerk's Office. Unless otherwise ordered in specific cases, any fines/costs owed in a single court may be incorporated into a single agreement unless the limitations period has expired.

A person that owes fines or costs in this Court may request approval for a different payment agreement by (1) fully completing **Form DC-211**, including the section regarding financial information; (2) checking the appropriate box on the form to indicate whether the applicant would like to pay the amount owed "[] in periodic payments" or "[] in one payment due in full on a future date"; (3) filing the fully completed Form DC-211 in the Clerk's Office; (4) contacting the Clerk's Office at (804)646-6553 within **5 - 7 days** of filing Form DC-211 regarding the status of the request; and (5) if an agreement is authorized, executing the payment agreement Form CC-1379 in the Clerk's Office. Applicants 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.

A person that already has a payment agreement may request a modification based on a good faith showing of need by (1) fully completing **Form DC-211**, including the section regarding financial information; (2) checking the box on the form that states "[X] I respectfully ask the court to change my current payment agreement;" (3) filling in the section of the form regarding the reason for the request; (4) filing the fully completed Form DC-211 in the Clerk's Office; (5) contacting the Clerk's Office at (804)646-6553 within **5 - 7 days** of filing Form DC-211 regarding the status of the request; and (6) if an agreement is authorized, executing the payment agreement Form CC-1379 in the Clerk's Office.

A person that has previously defaulted may petition for a subsequent payment agreement by (1) fully completing **Form DC-211**, including the section regarding financial information; (2) checking the appropriate box on the form to indicate whether the applicant would like to pay the amount owed "[] in periodic payments" or "[] in one payment due in full on a future date"; (3) filing the fully completed Form DC-211 in the Clerk's Office; (4) contacting the Clerk's Office at (804)646-6553 within **5 - 7 days** of filing Form DC-211 regarding the status of the request; and (5) if an agreement is authorized, executing the payment agreement Form CC-1379 in the Clerk's Office. A downpayment may be required as a condition of a subsequent agreement.

NOTICE OF POTENTIAL DEFAULT: A person that owes fines or costs in this Court will be in default and subject to penalty or further action in accordance with law (1) if they do not, **on or before the due date**, either pay the balance in full or execute an approved payment agreement Form CC-1379 or (2) if they fail to make any ordered payment **within 10 days** of the due date.

NOTICE OF EXEMPTION: When the court is informed that a person receives a Social Security benefit (SSB) or Supplemental Security Income (SSI), no payment toward fines and costs shall be taken from such resource. If the sole financial resource is an SSB or SSI, such person is exempt from making payments until such time as they may have another financial resource. If the person informs the court that their sole financial resource is an SSB or SSI, the case shall not be referred to collections. Information regarding the source of income is provided by filing Form DC-211.

Community Service Credit

A person that owes fines or costs in this Court may discharge all or part of the fine or costs by earning credits for the performance of (i) *community service* at a charitable organization or (ii) *work during imprisonment*. The instructions are different. Please follow the instructions that relate to the type of work for which credit is requested.

Community Service (charitable organization): A person that owes fines or costs in this Court may apply to receive credit for community service work by (1) completing **Form DC-211**, including the section for listing the case numbers associated with their request; (2) checking the box on the form that states "[X] by doing community service work to earn credit for fines and costs only, if available"; (3) filing the Form DC-211 with the Clerk's Office; and (4) following up regarding the status of

their request within **5 - 7 days** by calling the Clerk's Office at (804) 646-6553. Participants must comply with all program requirements or their authorization to participate in the program may be 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. Participants 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. Participants must pay off any balance remaining after the application of the community service credits before the end of the period of authorization.
 - b. If unable to pay in full, participants 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. Participants 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. Participants 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 and the credits will be applied towards the fines and court costs that the petitioner may owe this Court for the matters identified by case number on their request for credit (Form DC-212). Credit cannot be applied to any fines or costs owed in any other court, nor may credits be used for any other purpose. The petitioner will not receive any leftover credit amounts.

NOTICE OF POTENTIAL DEFAULT: A person that owes fines or costs in this Court will be in default and subject to penalty or further action in accordance with law (1) if they do not, **on or before the due date**, either pay the balance in full or receive authorization to participate in the community service program; (2) if their authorization to participate in the program has been revoked and they do not either pay the balance in full or execute an approved payment agreement Form CC-1379; or (3) if any amount will remain due after successful completion of the program and they have not (i) paid the balance in full, (ii) executed an approved payment agreement Form CC-1379, or (iii) received authorization to continue participating in the program before the end of the authorization period as described above in items 2a through 2c .

Work During Imprisonment: A person that owes fines or costs imposed by this Court may apply to receive credit for qualifying work performed during imprisonment by (1) fully completing **Form DC-212**; (2) and following the instructions on the form, which require that they either (i) attach a letter/statement from the correctional facility or (ii) have a representative of the correctional facility fill in the appropriate section of the form; and (3) filing the fully executed and notarized Form DC-212 with the Clerk's office, along with any applicable attachments. The expanded definition of qualifying work only applies retroactively to work performed on or after July 1, 2023. Hours spent participating in an educational program are not eligible for credit even if the Department of Corrections may provide pay incentives for participation at a rate less than the Virginia minimum wage.

Credit is calculated by subtracting any wage received from the Virginia minimum wage in effect at the time the work was performed and multiplying the result by the hours of qualifying work. The resulting credit will be applied towards the fines and court costs that the petitioner may owe this Court for the matters identified by case number on their request for credit (Form DC-212). Credit cannot be applied to any fines or costs owed in any other court, nor may credits be used for any other purpose. The petitioner will not receive any leftover credit amounts.

NOTICE OF POTENTIAL DEFAULT: A person that, after the application of any credits for work during imprisonment, yet still owes fines or costs in this Court will be in default and subject to penalty or further action in accordance with law (1) if they do not, **on or before the due date**, either pay the balance in full or execute an approved payment agreement Form CC-1379 or (2) if they fail to make any ordered payment **within 10 days** of the due date.