

**ALLEGHANY COUNTY CIRCUIT COURT DEFERRED OR INSTALLMENT PAYMENT POLICY**

**EFFECTIVE JULY 1, 2024**

Pursuant to VA. Code Sections 19.2-349, 19.2-354 and 19.2-354.1, it is the responsibility of the Circuit Court to collect fines, costs, etc. due the Commonwealth. The Court has assigned the Clerk with the duty of making arrangements with defendants to collect these fees.

If your sole financial resource is a Social Security benefit or Supplemental Security Income, then you are not required to pay until you have another resource or income. As long as your sole income remains unchanged, your account will not go to collections. Please understand that any restitution that you may have been ordered to pay is not included in this exception of payment and is due as the Court has ordered.

Upon trial and sentencing, the Clerk will advise the defendant, either by mail or in person, a notice of fines, costs and restitution owed and if any additional costs such as court appointed attorney fees, will be added to your account.

If the defendant is unable to pay the costs in full within thirty (30) days, the following will occur:

- a) 90 days after the due date, the account will be sent to collections and a 17% collection fee will be assessed against the account, and,
- b) 180 days after the due date or, if the defendant is incarcerated, 180 days after the defendant's release date, the account will begin to accrue interest.

However, the defendant may satisfy payment of costs by requesting one of the following:

- a) Enter into an installment plan by making payments either weekly or monthly at a set rate;
- b) Enter into a deferred plan by paying costs in full on a future date;
- c) Pay the costs through the performance of community service at a rate of \$12.00 per hour. Community service shall be monitored by the probation officers. Community service cannot be applied to outstanding restitution owed the Court.
- d) Community service performed while a defendant is incarcerated must be verified by the Virginia Department of Corrections. The defendant shall receive a rate of \$11.55 per hour for services performed after 1/01/2023.

In the event the defendant does not comply with the terms of the payment agreement entered with this Court, the account will be defaulted and will be subject to interest and collection fees as previously stated. The account will also be sent to the Virginia Department of Taxation for collection purposes.

A defendant who has defaulted on their account may petition the Court for a "new time to pay agreement". If the defendant enters into a subsequent payment agreement, the Court does require a down payment to be received at the time of filing the petitions, as follows:

- a) If the fines, costs, restitution owed are \$500 or less;  
the required payment shall not exceed 10% of the total owed;
- b) If the fines, costs, restitution owed are more than \$500;  
the required payment shall not exceed 5% of the total owed of \$50 whichever is greater.

ENTERED: \_\_\_\_\_

7/2/24 JUL 02 2024

\_\_\_\_\_  
EDWARD K. STEIN, JUDGE