

COMMONWEALTH OF VIRGINIA:

IN THE GENERAL DISTRICT COURT FOR THE COUNTY OF CHESTERFIELD

ORDER

Pursuant to §19.2-354 and §19.2-354.1 of the Code of Virginia, as amended, and Rule 1:24 of the Rules of the Supreme Court of Virginia the Clerk of Court, and/or her deputies, is hereby authorized to establish and approve the conditions of all deferred, modified deferred, and installment payment agreements for persons seeking additional time to pay or persons seeking reinstatement of a suspended license for non-payment of fines, costs, forfeitures, restitution, or payments lawfully assessed pursuant to the following guidelines:

- a. All persons who are unable to pay their fines and costs in full within ninety (90) days of sentencing must be provided the opportunity to enter into a deferred payment agreement, modified deferred payment agreement, or installment payment agreement. In determining the length of time to pay, you must consider an individual's financial resources and the financial obligations of that individual. Any payment or proof of community service received within ten (10) days of its due date must be considered timely made. You are authorized to approve an installment payment agreement for a period of up to three (3) years. Deferred payment agreements and modified deferred payments are limited to the following payment schedule.
- b. When entering into deferred payment agreement an individual must make full payment of total amount due according to the following payment schedule.

- \$ 1.00 - \$149.99: additional 30 days
- \$ 150.00 - \$299.99: additional 60 days
- \$ 300.00 - \$499.99: additional 90 days
- \$ 500.00 - \$999.99: additional 6 months
- \$ 1000.00 and above: additional 12 months

When entering into a modified deferred payment agreement individuals must agree to use best efforts to make a minimum payment of a fixed amount on a weekly, bi-weekly, or monthly basis during the period of time established pursuant to the above deferred payment schedule. When entering into an installment payment agreement individuals must commit to making a minimum payment of a fixed amount on a weekly, bi-weekly, or monthly basis until full payment is made on the total amount due.

All persons, including imprisoned persons, entering into a deferred, modified deferred, or installment payment agreement are eligible to discharge all or part of any fines and costs owed by earning credits for the performance of community service work. Each hour of community service work performed will be credited at the current federal minimum wage rate.

To receive credit for community service work an individual must: (1) volunteer for a non-profit organization registered as a 501(c)(3) with the Internal Revenue Service; (2) submit an original letter [**copies should not be accepted**] on the letterhead of the non-profit organization signed and notarized by a representative of that organization stating the number of volunteer hours performed and listing the dates the volunteer service was performed; and (3) submit such letter to the Clerk's office on or before the payment due date. The community service option is only available to discharge fines and costs and may not be used to discharge an individual's other financial obligations.

- c. Unpaid fines and costs are turned over to the collections process after ninety (90) days. Any persons whose fines and costs have been referred to collections are also eligible to enter into a payment plan. Entry into a payment plan will extend the due dates of all fines and costs, regardless of amount, even if the account is in collections. If a person is unable to abide by a payment agreement, during the duration of the agreement, they must contact the Clerk's office to request a modification of the agreement in writing on a financial form. This form is available on the Internet. The Court may grant such modification after good faith showing of need. A good faith showing of need only exists when the financial statement submitted for the modification, when compared to the financial statement originally submitted, establishes the individual's financial position has worsened from the time the original financial statement was submitted.
- d. The Court must consider all requests for subsequent payment agreements after default. All individuals requesting a subsequent payment agreement must make the request in writing on a financial form. This form is available on the Internet. In all such requests the Court must consider any change in that person's circumstances from the time the original payment plan was entered. The Court should not approve any subsequent payment plan unless that person establishes such a change in circumstances. A change of circumstances only exists when the financial statement submitted for the subsequent payment plan request, when compared to the financial statement originally submitted, established the individual's financial situation has improved from the time the original financial statement was submitted. Any person who has defaulted on a payment agreement and is seeking approval for a subsequent payment agreement must make a down payment. If the total amount owed is \$500 or less, then the down payment must be 10% of that amount. If total amount owed is more than \$500, then the down payment must be 5% of the total amount owed or \$50, whichever is greater.
- e. Where the court is informed that a defendant receives a Social Security benefit or Supplemental Security Income, no payment towards fines and costs shall be taken from such exempt resource.

This Order is in effect until further notice.

Entered this 25th day of June, 2024.



James J. O'Connell, III, Chief Judge