

May 18, 2020

Pursuant to the economic devastation caused by COVID-19 and consistent with Revised Rule 1:24 of the Supreme Court of Virginia as modified by the orders issued by the Supreme Court of Virginia and the General District Courts of the 23rd Judicial District declaring a judicial emergency, the General District Courts of the 23rd Judicial District implement the following policy regarding Deferred Payment or Installment Payment or Modified Deferred Payment Agreements commencing May 18, 2020.

Purpose of this Notice: To publicize the conditions and requirements of participation in a Deferred Payment Agreement or Installment Payment Agreement or Modified Deferred Payment Agreement to pay fines and court costs owed to the General District Courts in the 23rd Judicial District.

Eligibility: Anyone who has been convicted of a criminal offense or a traffic infraction and is unable to **pay in full** the fine and court costs ordered by the General District Court within **120** days of sentencing after May 18, 2020.

Conditions of Participation in a Deferred Payment Agreement or Installment Payment Agreement or Modified Deferred Payment Agreement AND DEFAULT:

- A. **Conditions of Participation:** The Defendant agrees to pay an amount certain that is based upon his/her financial resources and obligations on or before a date certain each month until the fines and court costs are paid in full. The Clerk shall provide the Defendant with a signed written copy of the terms and conditions of the Payment Agreement.
- B. **DEFAULT:** Default occurs if Defendant submits no payment or a late payment. Default shall be grounds for immediate removal from the Deferred Payment Agreement or Installment Payment Agreement or Modified Deferred Payment Agreement **UNLESS** Defendant contacts the Clerk's Office in person and in writing to request the Court grant an extension of the payment terms of the Payment Agreement.
- C. **CONSEQUENCES of DEFAULT or FAILURE TO PARTICIPATE:**
 - i) Clerk shall remove the Defendant from the Payment Agreement without a judicial hearing
 - ii) Clerk shall notify the DMV of the default as required by Rule 1:24 until July 1, 2020
 - iii) Clerk shall notify the State Department of Taxation and/or the designated collection agency of the default 30 days after the default
 - iv) Clerk shall receive subsequent payments if made after default and apply payments to the amount due
- D. **Management Fee:** Management fee is waived by the court until further notice.

- E. **Single Court:** All fines and costs owed by a Defendant to a single court may be incorporated into one payment agreement, unless otherwise ordered by the Court in specific cases. A payment agreement shall include only those outstanding fines and costs for which the limitations of Va. Code Section 19.2-341 have not run.
- F. **Compliance Summary:** The Clerk may require the Defendant to furnish a Compliance Summary provided by the DMV prior to executing a Payment Agreement until July 1, 2020.
- G. **Subsequent Payment Agreement:** If the Defendant defaults on the Deferred Payment Agreement or Installment Payment Agreement or Modified Deferred Payment Agreement and wishes to participate in a **subsequent** or **new** payment agreement, the Defendant shall explain his change of circumstances to the Clerk and may execute a new payment agreement that would reflect his new ability to pay. **The Court shall require a down payment as follows:**
- i) If fines and costs owed are more than \$500, the required down payment shall not exceed 5% of such amount or \$50 whichever is greater
 - ii) If fines and costs owed are less than \$500, the required down payment shall not exceed 10% of such amount
- H. **Extension or Modification:** If the Defendant is unable to submit his/her payments on time and requests an extension **prior** to the date the payment is due, the request shall be in writing and filed in the Clerk's office. The Clerk on direction of the Court may grant the request for an extension or modification based upon a good faith showing of need.
- I. **Community Service:** If the Defendant is unable to make substantial payments due to his/her unique circumstances, upon written request, the Defendant may perform Community Service through Court Community Corrections to satisfy fines and costs owed. Community Service is not an option to satisfy restitution.
- J. **Restitution:** Failure to pay restitution in full on the date ordered by the court shall result in suspension of the Defendant's privilege to operate a motor vehicle pursuant to Virginia Code Section 46.2-395 in addition to other penalties provided by law.
- K. **Address Change:** The Defendant shall notify the court promptly of any change of address.

Enter:

May 18, 2020
Date


Chief Judge