

VIRGINIA: IN THE CIRCUIT COURT OF BRUNSWICK COUNTY

IN RE: DEFERRED PAYMENT AGREEMENT GUIDELINES AND PROCEDURES FOR COURT COSTS, FINES
AND RESTITUTION-EFFECTIVE JULY 1, 2021

ORDER

Within 5 days of conviction, Defendants will be mailed, to their last known address, a notice of their Restitution and Court Costs balance. Payments are first applied to Restitution and then to Court Costs. **Check with your Probation Officer to see if your Court Costs can be satisfied by performing Community Service. Community Service does not apply to payment of restitution.**

Any Defendant who is unable to pay fines and costs for a particular offense within 30 days of conviction, or other disposition authorized by law may enter into either a deferred payment agreement, a modified deferred payment agreement or an installment payment agreement.

1. **Installment Payment Agreement:** An agreement in which the Defendant agrees to make monthly or other periodic payments until the fines and costs are paid in full.
2. **Deferred Payment Agreement:** An agreement in which the Defendant agrees to pay the full amount of the fines and costs at the end of its stated term and no installment payments are required.

To enter into an *initial* payment agreement, down payments are optional. Down payments may not exceed 10% of the owed amount if the balance is \$500.00 or less. If the total owed is more than \$500.00, the required down payment may not exceed 5% of the amount owed or \$50.00, whichever is greater. A defendant *may choose* to make a larger down payment.

Defendants may enter into a monthly payment agreement of at least \$50.00 per month for Court Costs. Payment agreements for restitution are set by the Court. If an amount is not set by the Court, the payment agreement shall be for not less than \$50.00 per month.

IMPORTANT: If defendant becomes delinquent under his agreement and wishes to set up another payment agreement, the Defendant may make a down payment. If the fines and costs owed are \$500.00 or less, the down payment shall not exceed 10% of such amount or if the fines and costs owed are more than \$500.00, the down payment shall not exceed 5% of such amount or \$50.00, whichever is greater. In the event a defendant becomes delinquent under a second agreement the defendant may petition the Court for a subsequent payment agreement by using form DC-211.

If a time to pay for restitution is not previously ordered by the court, it will be incorporated in the above stated guidelines. It is further ORDERED that, in all criminal cases coming before this court, unless directed otherwise, all payments made to court costs and restitution shall be first applied to the satisfaction of restitution, if any, and subsequently applied to court fines and costs.

IMPORTANT NOTE: A *Payment Agreement* is a contract. The Court will **not** send a notice of delinquency. Guidelines for all payment agreements are at the discretion of the Clerk or her appointee and may depend on the particular circumstances of each case.

DATE: 8-19-2021



W. Edward Tomko, III, Chief Judge