

## IN THE GENERAL DISTRICT COURTS OF THE 23<sup>rd</sup> JUDICIAL DISTRICT

### Deferred Payment Agreement or Installment Payment Agreement or Modified Deferred Payment Agreement Plans

**Purpose of this Notice:** To publicize the conditions and requirements of participation in one of three agreements to pay fines and courts costs owed to the General District Courts in the 23<sup>rd</sup> Judicial District: Deferred Payment Agreement or Installment Payment Agreement or Modified Deferred Payment Agreement (Payment Agreement).

**Eligibility:** Anyone who has been convicted of a criminal offense or a traffic infraction after July 1, 2021 and is unable to **pay in full within 90 days of conviction** the fine and court costs ordered by the General District Courts.

#### **Conditions of Participation in a 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 Defendant's **Payment Agreement**.
- B. DEFAULT:** Default occurs if Defendant submits no payment or a late payment. Default shall be grounds for immediate removal from the Payment Agreement **UNLESS** Defendant contacts the Clerk's Office in person and requests in writing 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 State Department of Taxation and/or the designated collection agency of the default 30 days after the default
  - iii) Clerk shall receive subsequent payments if made after default and apply payments to the amount due
- D. Management Fee:** If Defendant is unable to make payment in full within 90 days of sentencing, then the Court may assess a one-time management fee of \$10.
- 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. **Subsequent Payment Agreement:** If the Defendant defaults on the Payment Agreement and wishes to participate in a **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

G. **Extension or Modification:** If the Defendant is unable to submit 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 may grant the request for an extension or modification based upon a good faith showing of need.

H. **Community Service:** If the Defendant is unable to make substantial payments due to 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.

I. **Exemption:** If the Defendant's **ONLY** financial resource is a Social Security benefit or Supplemental Security Income, then the Defendant shall not be required to pay fines and costs until Defendant secures another source of income. Defendant must provide sworn testimony to the Clerk and appropriate documentation to verify the claim before an exemption will be granted. Making a false statement under oath of a material fact constitutes **PERJURY** under Va. Code Section 18.2-434 and is punishable by confinement in the state penitentiary for a term **not to exceed ten years.**

Defendant's obligation to pay restitution is not exempt.

J. **Address Change:** The Defendant shall notify the court promptly of any change of address.

Enter:

June 28, 2024  
Date

Josephine P. Malachuk  
Chief Judge