

VIRGINIA IN THE CIRCUIT COURT OF AMHERST COUNTY

**IN RE: DEFERRED PAYMENT AGREEMENT GUIDELINES AND PROCEDURES
FOR COURT COSTS AND FINES**

ORDER

The Court **ORDERS** that in all criminal and traffic cases before this Court, unless otherwise ordered, that any and all defendants who have been Ordered by the Court to pay restitution, fines, or costs, shall enter into an installment payment agreement with the Clerk of this Court, and all previous unpaid accounts shall be included. **The oldest account be paid first (unless that account is more than 20 years old, then that account cannot be placed on a Time To Pay agreement).**

The Court **ORDERS** that no interest shall accrue on any fine or costs imposed in a criminal case or in a case involving a traffic infraction (i) for a period of 180 days following the date of the final judgment imposing such fine or costs; (ii) during any period the defendant is incarcerated; and (iii) for a period of 180 days following the date of the defendant's release from incarceration if the sentence includes an active term of incarceration.

The Court **ORDERS** that 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. Any Restitution that you may have been ordered to pay is not included in this exemption of payment and is due as the court has ordered.

The Court **ORDERS** that the Clerk shall provide the defendant with an Acknowledgement/Order and Notice of Deferred Payment or Installment Payments form upon final disposition/sentencing of the defendant, and the Clerk shall not require the defendant to complete the "Financial Statement – Eligibility Determination."

Any request for subsequent payment agreement, as a result of a default, may be referred to the Judge of the Court for consideration. Upon default of a payment agreement, the Clerk may require a "down-payment" pursuant to Virginia code Section 19.2-354 et. Seq. and the Rules of the Supreme Court of Virginia, prior to re-entry into a payment agreement.

Payments accepted by the Clerk of the Court, pursuant to a payment agreement, shall be applied first to any restitution obligation, unless otherwise Ordered by the Court.

Enter this 13th day of June, 2024.



JEFFREY P. BENNETT, JUDGE

Deferred Payment Agreement Guidelines and Policy for Court Costs, Fines, and Restitution
Virginia State Code §19.2-354 et. seq.

Fines, costs and/or restitution Ordered by this Court are assessed against individuals convicted of a felony, misdemeanor, or traffic infraction. Fines, costs and/or restitution are due when imposed by the Court unless the defendant enters into a Deferred/Installment payment agreement or if otherwise Ordered by the Court.

Judgement(s) for the amount of fines, costs and/or restitution are entered against the defendant and interest accrues on the balance due. Judgements are docketed in the Judgement Lien Docket Book in the Clerk's Office.

Individuals who do not promptly pay the ordered amounts when due may be subject to the following:

- Unpaid fines and court costs reported to the Amherst County Commonwealth's Attorney and the Department of Taxation for debt collection.

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. Any Restitution that you may have been ordered to pay is not included in this exemption of payment and is due as the court has ordered.

Deferred/Installment payment agreement for fines/costs/restitution will be completed in the Circuit Court Clerk's Office. If full payment is made on the date of trial/sentencing, no judgement will be entered. If the defendant is Ordered into a new payment agreement by the Court, all previous unpaid accounts shall be included, **the oldest account shall be paid first (unless that account is more than 20 years old, then that account cannot be placed on a Time To Pay agreement).**

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At any time during the duration of the payment agreement, the Defendant may request a modification of the agreement in writing. The Court may grant such modification based on a good-faith showing of need.

All monthly payments are DUE on the date as specified in the payment agreement and must be paid ON or BEFORE the due date.

◇Failure to pay fines, costs and/or restitution will result in Debt Collection and Interest Accrual. ◇

(effective July 1, 2024)

Deborah Coffey Mazingo, Clerk of Court

Deborah Coffey Mazingo, Clerk

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