

VIRGINIA: IN THE CIRCUIT COURT OF MATHEWS COUNTY

In re: DEFERRED OR INSTALLMENT PAYMENT AGREEMENTS

ORDER

Pursuant to Virginia Code § 19.2-354, the Court authorizes the Clerk of the Circuit Court of Mathews County to establish and approve the conditions of all deferred or installment payment agreements, pursuant to following guidelines:

1. Applicability

Whenever (i) a defendant, convicted of a traffic infraction or a violation of any criminal law of the Commonwealth or of any political subdivision thereof, or found not innocent in the case of a juvenile, is sentenced to pay a fine, restitution, forfeiture or penalty and (ii) the defendant is unable to make payment of the fine, restitution, forfeiture, or penalty and costs within 30 days of sentencing, the defendant shall pay such fine, restitution, forfeiture or penalty and any costs which the defendant may be required to pay in deferred payments or installments.

2. Payment agreements and schedules

It is the goal of the Court to see that fines, costs, and restitution are paid within a reasonable amount of time. Subject to the guidelines below, the defendant may establish either a deferred payment agreement or an installment payment agreement.

A. Deferred payment agreement

When a defendant has not previously entered into a deferred or installment payment agreement for an outstanding balance ordered to be paid to the Court, and the outstanding balance is \$1,500.00 or less, the defendant may enter into a deferred payment agreement and will be allowed 6 months to pay the outstanding balance in full. Should the defendant fail to pay the outstanding balance as agreed, any subsequent agreement shall comply with Paragraph 2.B.ii. below.

B. Installment payment agreement

i *Initial installment payment agreement.* When a defendant has not previously entered into a deferred or installment payment agreement for an outstanding balance ordered to be paid to the Court, the installment payment schedule shall be as follows:

| Amount Owed | Minimum Monthly Payment |
|-----------------------|-------------------------|
| Less than \$1000.00 | \$50.00 |
| \$1000.00 - \$1999.00 | \$100.00 |
| \$2000.00 – and up | \$200.00 |

The monthly payment remains the same until the balance is paid in full.

ii. *Subsequent installment payment agreement.* When a defendant has previously defaulted on a deferred or installment payment agreement for the outstanding balance owed to the Court, the defendant will be required to make a down payment of a minimum of 10% of the outstanding balance or \$250.00, whichever is less, before a new installment payment agreement is established. Once the down payment is made, the payment schedule shall comply with Paragraph 2.B.i. above.

3. Alternate payment schedule

In the rare or unusual case where there are extenuating circumstances, a defendant may petition the Court to establish an alternate payment schedule. Any alternate payment schedule is subject to the approval of the Court.

4. Community service

A. Fines and costs. The defendant may discharge all or part of the fine or costs by earning credits for the performance of community service work before or after imprisonment.

B. Restitution. Community service is not authorized to discharge restitution.

5. Address change

A defendant who enters into an installment or deferred payment agreement shall promptly inform the court of any change of mailing address during the term of the agreement.

6. Good behavior

Pursuant to Virginia Code § 19.2-357, a defendant who enters into an installment or deferred payment agreement shall be of peace and good behavior until the fine and costs are paid.

7. Default

A defendant who fails to pay as ordered may be fined or imprisoned pursuant to Virginia Code § 19.2-358 and his privilege to operate a motor vehicle will be suspended pursuant to Virginia Code § 46.2-395.

The Clerk is DIRECTED to post this Order in the clerk's office and on the court's website, if a website is available.

Entered this 1st day July, 2015.



Jeffrey W. Shaw, Judge