

Effective 07/01/2021

**VIRGINIA: IN THE GENERAL DISTRICT COURT FOR THE COUNTIES
OF ESSEX, LANCASTER, NORTHUMBERLAND,
RICHMOND AND WESTMORELAND**

**STANDING ORDER REGARDING PAYMENT AGREEMENTS FOR
FINES AND COSTS IN TRAFFIC AND CRIMINAL CASES**

It appearing to the Court that there is a need for uniform practices regarding payment agreements in traffic and criminal cases, it is therefore,

ORDERED, pursuant to Virginia Code §19.2-354, et seq. and Rule 1:24 of the Supreme Court of Virginia, that the following rules shall apply to all payment agreements:

1. All fines, court costs, forfeitures, penalties and/or restitution (herein collectively referred to as "fines and costs") are due and payable in full on the day of court. After trial, a defendant shall sign an acknowledgement of the amount of the fines and costs.
2. If a defendant is unable to pay in full all fines and costs within 90 days of trial, the defendant may apply at the Clerk's Office to enter into one of the following payment agreements:
 - a. Installment Payment Agreement: Fixed monthly or other periodic payments shall be made until the fines and costs are paid in full.
 - b. Deferred Payment Agreement: Payment of the full amount of the fines and costs at the end of the agreement's term and no installment payments are required.
 - c. Modified Deferred Payment Agreement: Payment of monthly or other periodic payments in an amount determined by the defendant made until the fines and costs are paid in full provided that the fines and costs must be paid in full no later than the end of the agreement's term.

No down payment shall be required to enter into a payment plan. However, if the payment agreement is entered into more than 90 days after trial, a \$10.00 administrative fee will be charged. If a defendant is incarcerated, the agreement may provide for an initial period during which no payments are required during the period of incarceration.

3. All fines and costs which a defendant owes for all cases in a single court may be incorporated into one payment agreement unless otherwise ordered by the court in specific cases. In determining the amount and length of time to pay under a payment agreement, the Court shall consider the defendant's financial resources and obligations including any fines and costs a defendant owes in any other courts. The defendant shall be required to provide information as to financial resources and obligations so that the Court may make a determination as to the defendant's ability to pay. The Court may require the defendant to provide a DMV compliance summary of other courts in which the defendant owes fines and costs.

4. When available, a defendant may request that the Court authorize community service in lieu of payments of fines and/or costs. Community service is not authorized for payment of restitution. Each hour of community service shall be deemed payment in the amount of one hour's current Virginia minimum wage. The Court shall set the minimum hours of community service which must be performed each month. Community service must be supervised a local non-profit organization and written verification of hours worked must be provided by the supervising authority to the Court.
5. At any time during the duration of the agreement, a defendant may request a modification of the agreement, which request shall be granted based on a good faith showing of need.
6. The payment agreement will be considered in default if a weekly, monthly or other periodic payment is more than 10 days past due. Thereupon, the payment agreement will be terminated. Subsequent to a default, the Court may allow a defendant to enter into another payment agreement, provided that a down payment is paid at the time of entry into the subsequent payment agreement. The amount of the down payment shall be set as follows: 1) If the fines and costs owed are \$500.00 or less, 10% of such amount; 2) if the fines and costs are more than \$500.00, 5% of such amount or \$50.00, whichever is greater.
7. The Court delegates to the Clerks in their respective Counties the authority to enter into individual payment agreements in accordance with this Order.
8. 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.
9. Any Order of this Court regarding payment agreements entered prior to July 1, 2021 is hereby vacated and terminated.

ENTERED, this 1st day of July, 2021:

s/ JOHN S. MARTIN
JUDGE, 15th JUDICIAL DISTRICT