

## **VIRGINIA: IN THE GENERAL DISTRICT COURT FOR THE CITY OF CHESAPEAKE**

Pursuant to the provisions of Virginia Code §§ 19.2-354, 19.2-354.1 and 19.2-358, this Court authorizes the clerk to approve Deferred, Modified Deferred or Installment Payment Agreements as follows:

Any defendant who cannot pay their fines and costs within 90 days may apply to the Court for a payment plan. A defendant who fails to pay as ordered may be fined or imprisoned pursuant to Virginia Code § 19.2-358.

A defendant may request a payment plan for all fines and costs. The clerk will complete district court form, DC-210, Acknowledgement of Suspension or Revocation of Driver's License, which will contain the terms of the payment agreement for the defendant to sign.

### **Initial Payment Plan Guidelines**

In determining the length of time to pay under a deferred, modified deferred, or installment payment agreement and the amount of the payments, the clerk shall take into account the defendant's financial resources and obligations, including any fines and costs owed by the defendant in other courts. No down payment is required.

Up to 100.00	90 – 120 days
\$100.01 - \$200.00	120 – 150 days
\$200.01 - \$350.00	150 – 180 days
\$350.01 – Over	270 – 365 days

- A \$10.00 fee will be assessed upon entering into any payment agreement with a due date greater than 90 days unless it was collected on a previous agreement.
- The defendant must inform the Court promptly of any change of address during the term of the agreement.
- The Clerk's Office will prepare one agreement per defendant totaling all unpaid fines and costs owed to this Court.

Whenever a defendant is ordered to pay restitution, any sums collected shall be used first to pay restitution and any collections costs associated with restitution prior to being used to satisfy any fine, forfeiture, penalty, or costs assessed against the defendant.

### **Subsequent Installment Payment Agreement**

When a defendant has previously defaulted on a deferred, modified deferred, or installment payment agreement for the outstanding balance owed to the Court, the defendant will be required to make a down payment as follows:

<u>Amount Owed</u>	<u>Down Payment</u>
\$500.00 or less	10%
\$500.01 – and up	Greater of 5% or \$50.00

- Once the down payment is made, the clerk shall set the payment schedule taking into account the defendant's financial resources and obligations, including any fines and costs owed by the defendant in other courts
- A \$10.00 fee will be assessed upon entering into a payment agreement, unless it was collected on a previous agreement.
- The Clerk's Office will prepare one agreement per defendant totaling all unpaid fines and costs owed to this court.
- The Clerk's Office will grant one subsequent payment plan only. If you default on that plan, you must petition the Court to authorize a payment plan. You may have to appear before the Court for this request.

The defendant must inform the Court promptly of any change of address during the terms of the agreement.

#### **Modifying Existing Payment Agreement**

At any time during the duration of a payment agreement, the defendant may request a modification of the agreement in writing by filing district court form, DC-211, Petition for Payment Agreement for Fines and Costs or Request to Modify Existing Agreement, and the Clerk may grant such modification based on a good faith showing of need.

#### **Community Service**

Community service in lieu of fines and costs is available to anyone who meets the guidelines. A defendant wishing to perform community service in lieu of fines and costs may ask the clerk for an Application to Discharge Fines and Costs by Performance of Community Service.

ENTERED This 1<sup>ST</sup> day of July, 2021



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Erin L. Bedois, Chief Judge

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<sup>1</sup> "Fines and costs" means all fines, court costs, forfeitures, and penalties assessed in any case by a single court against a defendant for the commission of any crime or traffic infraction. "Fines and costs" includes restitution unless the court orders a separate payment schedule for restitution. For purposes of community service, fines and costs does not include restitution as restitution cannot be paid through community service.