

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF CUMBERLAND

IN RE: DEFERRED PAYMENT PLAN GUIDELINES AND PROCEDURES FOR COURT COSTS, FINES AND RESTITUTION

ORDER

When an individual is convicted of a felony or misdemeanor in the Cumberland County Circuit Court, court imposed fines and/or court costs will be assessed against the Defendant in accordance with the Code of Virginia. All fines and costs are due thirty (30) days from the date of sentencing unless otherwise ordered. If the Defendant cannot meet their obligation by this deadline, then a payment plan will be established by the Clerk or their appointee, based upon the financial conditions of the Defendant. If restitution is included in assessed costs, restitution will be incorporated in these stated guidelines. **All payments received will be applied to restitution first**, and then remaining payments received will be applied to the court costs and fines.

Community service **must be pre-arranged** through and approved by the Commonwealth Attorney or the Court to be converted as payment for court costs and fines. The Defendant may petition the Court to present a plan for community service to be applied towards payment of fines and costs. A petition **will not** be considered unless a specific plan is made a part of the filing.

In accordance with Code Section 19.2-349, failure to pay fines/restitution or entering into and staying current on a payment agreement within 30 days of the date of judgment will incur a 17% penalty "to help offset the costs associated with employing such individuals or contracting with such agencies or individuals" assisting in collection. **The Clerk cannot remove, reduce, or alter this fee.** Any other terms set forth in these guidelines are subject to the Clerk's or Judge's discretion.

At least \$50.00 will be required as a down payment to enter into a payment plan unless regular payments have been made to the Defendant's fines and costs. At least \$100.00 will be required as a down payment to enter into a second payment plan. The required payments are at the discretion of the Clerk based upon the financial conditions of the Defendant and their previous payment history.

Payments by check will be accepted at the discretion of the Clerk. All checks returned by the bank for insufficient funds may be assessed a returned check fee of \$50.00 or 10%, whichever is greater, based on the payment amount. The amount of the returned check, plus the returned check fee, will be assessed to the Defendant's account which can result in driver's license suspension.

The Defendant's failure to comply with the deferred payment plan will result in any unpaid fines/restitution being reported to collections and interest may begin accruing on the unpaid balance. The Defendant must promptly inform the court of any change of mailing address during the term of the payment agreement.

The Clerk shall be able to administratively amend any payment plan in the event additional costs should be assessed and/or the financial conditions of the Defendant changes.

ENTERED this -21st- day of February, 2020



JUDGE