

Virginia:

In the Circuit Court of the City of Richmond

NOTICE OF PAYMENT ALTERNATIVES FOR FINES AND COSTS

Pursuant to §19.2-354 and §19.2-354.1 of the Code of Virginia

If you are unable to pay fines and costs for the offense(s) of which you were convicted, the Court offers you the opportunity to enter an alternative payment plan.

Terms and Conditions: payment plans ⇒ (Community Service on page 2)

“Deferred payment agreement” – no installment payments are required but you agree to pay the full amount of the fines and costs at the end of the set term.

“Fines and costs” – all fines, court costs, forfeitures, and penalties assessed by a single court in a case involving the commission of a crime or traffic infraction; this includes restitution unless the court orders a separate payment schedule for restitution.

“Installment payment agreement” – an agreement to make monthly/other periodic payments until fines & costs are paid in full.

“Modified deferred payment agreement” – a deferred payment agreement in which you also agree to use your best efforts to make monthly or other periodic payments.

As a condition of any agreement, you are **required** to inform the Court promptly of any change of your mailing address.

Plans available to anyone regardless of financial need: Pursuant to §19.2-354(A), the Court has authorized the Clerk’s office to authorize two payment plans, an agreement that you will pay all outstanding fees and costs within 6 months or an agreement that you will pay a minimum of \$50.00 a month towards your fines and costs. To request that the Clerk’s office provide you with one of those two payment agreements, please fill in and file the Form Request for Clerk Approval of Designated Payment Plans and sign the Payment Agreement presented to you by the Deputy Clerk (form CC-1379).

Other payment plans: Please fully fill in and file the Petition for Payment Agreement for Fines and Costs or Request to Modify Existing Agreement (form DC-211) for consideration by the Court. Under the space provided for your address is a section for you to check whether you request to make periodic payments (this box covers when you wish payments to be lower than the pre-authorized \$50/month) or to make one payment at a future date (this box covers when you wish to pay after more than 6 months of the due date). You **must** contact the Clerk’s office at (804)646-6553 within five to seven days of the date of filing the DC-211 to learn the decision of the Court or risk possible **default**. If your Petition is granted, you **must** sign the Payment Agreement (form CC-1379). You will not be denied a payment plan *solely* because of the offense type, amount of fines/costs due, previous default, referral to collections, or lack of payment history. The Court will consider the information you provided on the DC-211 as to any non-exempt financial resources & obligations, including fines/costs owed to other courts, to determine monthly payments/length of time to pay. If you request a payment plan during a court proceeding, the Court will also place you under oath to ask questions about your resources and obligations. The Court will set an agreement with a reasonable length and reasonable payment amounts given your non-exempt financial resources and obligations. The Court may offer an agreement which combines an initial period in which no payment is required followed by a period of installment payments. You are not required to, but may choose to, make a down payment on a first agreement; it is possible that you would need a down payment on a subsequent agreement. Any fines/costs you owe the Circuit Court for the City of Richmond may be incorporated into a single agreement. Any outstanding fines/costs for which the limitation period has run will not be included in any agreement.

Grace period: Any payment made within ten days of the due date shall be considered to have been timely made.

NOTICES: If you fail to make any ordered payment within the grace period, **you may be fined or imprisoned** pursuant to §19.2-358 (see §19.2-354(D)). If the Court is informed that you receive a Social Security (“SS”) benefit or Supplemental Security Income (“SSI”), **no payment** towards fines/costs shall be taken from either of these exempt sources (see §19.2-354.1(J)). If your sole financial resource is SS or SSI, you are exempt from making payments until you have another financial resource. If you inform the court that your sole financial resource is SS or SSI, your case shall not be referred to collections. **If you do not pay the balance in full or enter a payment agreement with the Court, you will be in default. If you do not make timely payments as ordered by the Court, you will be in default. If you default, action may be taken against you in accordance with §19.2-349 (see §19.2-354(E)).**

Modifications/Subsequent Agreements: You may request a modification of a current agreement by filing form DC-211 and the Court will consider whether you have made a good faith showing of need. If you have defaulted on a current agreement, you may petition for a subsequent agreement by filing form DC-211 and the Court will consider any change in circumstances. The Court may require a down payment that will not exceed 10% of the amount owed if the amount owed is \$500.00/less or 5% of the amount owed or \$50, whichever is greater, if the amount owed is more than \$500.00.

Community Service Program (Established pursuant to §19.2-354(C))

If you ARE NOT INCARCERATED:

You may apply to the Court for permission to apply community service hours towards your fines and costs using form DC-211. Under the space provided for your address is a section for you to check that you ask that the Court allow you to pay by doing community service work to earn credit for fines and costs. **You must contact the Clerk's office at (804)646-6553 within five to seven days of the date of filing the DC-211 to learn the decision of the Court or risk possible default.**

If the Court grants your request, you **must** perform a minimum of five (5) community service hours per month, unless the Court's Order specifies otherwise, at an organization receiving 501(c)(3) status through the Internal Revenue Service. Failure to meet your monthly requirement could result in the termination of your approval for community service. The Court will give you credit for your community service hours at the rate of the minimum wage in the Commonwealth at the time the work was performed. You **must** complete sufficient community service hours to discharge your fines and costs within one year unless a longer period is specified by the Court in its order on your motion. If you have not fully discharged your fines and costs within the period allowed, you **must** either pay the remaining amount or receive approval for a new payment plan before the deadline is passed.

NOTICE OF POTENTIAL TO DEFAULT: If you do not either pay the balance in full or enter a new payment plan before the deadline imposed by the Court, you will be in default. If you default, action may be taken against you in accordance with §19.2-349 (see §19.2-354(E)).

If your motion is granted, you **must** submit your community service hours as follows:

⇒ Each month, you **must** file proof of the hours worked with the Clerk of this Court.

⇒ The filed proof **must** be on the letter head of the organization; must state each of your dates of service and the hours you worked on each date of service; and contain the name, contact information, and signature of the representative of the non-profit organization who supervised your community service hours.

⇒ You **must** sign each letter in front of a notary public, **or** you **must** return to the Clerk's Office in person to swear an oath that everything contained in the letter is accurate and true.

⇒ The final letter **must** be filed no later than one year from the date of the Order granting you permission to use community service hours for your fines and costs. If the Court granted you a longer period for the performance of your community service hours in the Order, the letter must be submitted prior to that deadline.

If you ARE INCARCERATED:

These categories of work qualify for credit towards the payment of fines and costs under §19.2-354(C)(ii):

- Work performed as required by a **community corrections alternative program** pursuant to §19.2-316.4 (CCAP).
- Work performed building or maintaining the **roads** or performing **public works** approved by the Director pursuant to §53.1-59. "Public works" are "works (such as schools, highways, docks) constructed for public use or enjoyment especially when financed and owned by the government." *Mirriam-Webster*.
- Work performed during **work release** from a state facility pursuant to §53.1-60 or a local work release program pursuant to §53.1-131.
- Work performed for a **workforce** program of a local jail that was authorized by the local governing body pursuant to §53.1-128.
- Work performed that was ordered by a **circuit court** or authorized by a **district court** pursuant to §53.1-129.

Other types of work you may have performed while incarcerated (like work for the facility) are not eligible for application towards fines and costs.

If you have performed qualifying work, you may request credit towards your fines and costs by filing the Form Motion for Community Service Credit for Work Performed While Incarcerated with proof of the qualifying work you have completed. The proof should be an original letter from the jail, prison, or community corrections alternative program (CCAP) sponsoring the qualifying work program, certifying the hours, dates, and type work or certifying that the accompanying documentation of the hours, dates, and type of work are true and accurate. The letter must contain the name, contact information, and signature of the employee. The Court may choose to consider other types of proof of work sufficient, in the discretion of the presiding judge. The Court will review your motion and documentation and issue an order granting or denying your motion. If your motion is granted, the Court will give you credit towards the payment of your fines and costs at the hourly rate of the minimum wage for the Commonwealth for the year in which the work was performed subtracting from that hourly rate any wage you received for your work. Any credit provided may not be used for any purpose other than application towards fines & court costs owing in this Court. You will not receive any leftover credit amounts.