

NOTICE OF PAYMENT ALTERNATIVES FOR FINES AND COSTS
Pursuant to §19.2-354 and §19.2-354.1 of the Code of Virginia

For the purposes of an agreement for installment or deferred payments, the term fines & costs means fines, court costs, forfeitures, and penalties assessed by this Court in a criminal and/or traffic case, and any restitution owed only if the court has not entered a separate payment schedule for restitution. For the purposes of community service credit, the term fines & costs means fines and court costs **only**. Any outstanding fines/costs for which the limitation period has run will not be included in any agreement. Any other fines/costs you owe this Court may be incorporated into a single agreement unless otherwise ordered in specific cases. Denial of a payment plan cannot be *solely* based on offense type, amount of fines/costs due, previous default/collections, or lack of payment history. As a condition of any agreement, you are **required** to inform the Court promptly of any change of your mailing address.

Standard Payment Agreements: The Court has given the Clerk authorization to enter standard payment agreements for either an installment payment plan with a minimum payment of \$25.00/month or a deferred payment plan agreeing to pay in full within 6 months. Standard payment agreements are available to everyone regardless of their financial resources. To enter a standard agreement, you must sign and file Form CC-1379 with the Clerk outlining the terms of the standard agreement.

Other Payment Agreements: You must provide financial information by fully completing and filing Form DC-211; if you request a payment plan during a hearing, the Court may ask you questions about your resources and obligations. If you request an installment agreement with monthly payments (less than \$25), please check the box “[] in periodic payments”. If you request a deferred payment agreement, check the box “[] in one payment due in full on a future date”, and for a modified deferred payment agreement, also check “[] and I shall try to make periodic payments until that future date”. The Court will set a reasonable payment plan based on your ability to pay after considering the information you provide on Form DC-211, basing the determination of ability to pay on any non-exempt financial resources & obligations, including fines/costs owed to other courts. The Court is only permitted discretion to offer a monthly installment payment of less than \$25 if you are determined to be indigent pursuant to § 19.2-159. The Court may require a down payment on a subsequent agreement. **CONTACT** the Clerk’s office at (804)646-6553 **within 5 to 7 days** of the date of filing the DC-211 to learn the decision of the Court and, if the Court authorizes an agreement, sign and file Form CC-1379 with the Clerk (see Notice of Potential Default).

Modifications of Payment Agreements & Subsequent Agreements: To request a modification of a current agreement, fill in and file Form DC-211; the Court will consider the request based on good faith showing of need. If you have defaulted on an agreement, you may petition for a subsequent agreement by filing form DC-211; the Court will consider any change in circumstances and may require a down payment in the amount statutorily authorized.

NOTICE OF POTENTIAL DEFAULT: If you do not timely either pay the balance in full or enter an approved agreement with the Court by signing Form CC-1379, 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. If you fail to make any ordered payment within 10 days of the due date, you may be fined or imprisoned pursuant to §19.2-358.

NOTICE OF EXEMPTION: To inform the Court of regarding the sources of your financial resources, file Form DC-211. If the Court is informed that you receive a Social Security benefit (“SSB”) or Supplemental Security Income (“SSI”), no payment towards fines/costs shall be taken from either of these exempt sources. If your sole financial resource is SSB/SSI, you are exempt from making payments until you have another financial resource, and your case shall not be referred to collections. If you are exempt, sign Form CC-1379 and file it with the Clerk. It will show that “[] Defendant is exempt from making payments as defendant indicated that defendant’s sole financial resource is asocial security benefit or supplemental security income.”

Community Service Credit: The Court provides “an option to any person upon whom a fine and costs have been imposed to discharge all or part of the fine or costs by earning credits for the performance of community service work (i) before or after imprisonment or (ii) in accordance with the provisions of § 19.2-316.4, 53.1-59, 53.1-60, 53.1-128, 53.1-129, or 53.1-131 during imprisonment.” Va. Code § 19.2-354(C). If all program requirements are met, credits will be calculated based on the prevailing minimum wage in the Commonwealth at the time the work was performed. Documentation of work hours may not

be submitted any other court. Any credits approved will only be applied towards the fines and court costs owed in this Court. You will not receive any leftover credit amounts.

The statute draws a distinction between community service work performed by those who are not currently incarcerated, see § 19.2-354(C)(i) (“before or after imprisonment”), and those who are incarcerated, see § 19.2-354(C)(ii) (“during imprisonment”). The respective terms and conditions are outlined below.

People Who ARE NOT Incarcerated

Please apply for authorization by filing in and filing Form DC-211 with the Clerk; check the box “[] by doing community service work to earn credit for fines and costs only, if available.” **CONTACT** the Clerk’s office at (804)646-6553 **within 5 to 7 days** of the date of filing the DC-211 (see Notice of Potential Default).

If your request is not approved, you must timely pay the balance due or enter an approved payment plan (see Notice of Potential Default).

If approved, the Court will enter an Order granting your request and specifying the relevant terms and conditions (see Notice of Potential Default). Community service work must be performed at an organization receiving 501(c)(3) status through the Internal Revenue Service. The period of authorization usually expires after one year, after which participants must pay in full, enter a payment plan, or request another authorization. Participants are usually required to perform a minimum of 5 hours a month during that period and file monthly documentation of the hours worked. The documentation 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. Participants must sign each letter in front of a notary public or return to the Clerk’s Office in person to swear an oath that everything contained in the letter is accurate and true. Final documentation must be filed **before** the expiration of the authorization for the performance of community service hours (usually one year).

NOTICE OF POTENTIAL DEFAULT: If your request is approved, you must comply with all terms of the program as outlined in the Court Order granting your request. Failure to comply may result in the authorization being revoked, requiring you to forthwith pay in full or enter an approved payment agreement to avoid default. If you do not either pay the balance in full/enter a new payment plan/receive a new authorization before the end of the period authorized for the performance of community service hours for credit towards fines/costs, you will be in default. If your request is not approved, you must timely pay the balance in full or enter an approved payment agreement with the Court by signing Form CC-1379, or you will be in default. If you default, action may be taken against you in accordance with §19.2-349.

People Who ARE Incarcerated

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 documentation of the qualifying work you have completed in the form of an original letter from the jail, prison, or community corrections alternative program (CCAP) sponsoring the work program, certifying the hours, dates, and describing type work, or certifying that the accompanying documentation of the hours, dates, and type of work are true and accurate, and all letters must contain the name, contact information, and signature of the certifying employee. Other forms of documentation may be considered in the discretion of the Court. An Order will be entered granting or denying your motion.

Only some of categories of work qualify for credit 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.

