

WASHINGTON COUNTY CIRCUIT COURT

Installment Payment Agreement Policy

This is the policy of the Washington County Circuit Court concerning application, approval and management of installment payment agreements when fines, costs and restitution cannot be paid in full upon conviction/sentencing:

Defendants are advised upon each conviction/sentencing event that court costs, fines and/or restitution, if applicable, are due. Unless the defendant can pay these in full at the time of imposition, the Court will place the defendant on an installment payment plan as part of its order.

The defendant is given notice of all cost, fine and restitution amounts that are due at the conclusion of each conviction/sentencing event. All notices, (including amended notices) are sent to the last known mailing address of the defendant. Each conviction/sentencing event is combined into a single account for the purpose of payment.

If a defendant defaults, (fails to pay) on the initial payment plan, he/she may petition for a second payment plan. After that, the defendant must apply with the Collection Agent, the Commonwealth's Attorney.

§19.2-354 of the Code of Virginia directs the Court to arrange for the collection of fines, costs and restitution owed and set the policy regarding same. The Washington County Circuit Court has outlined its policy in an amended order dated 8/13/21.

FREQUENTLY ASKED QUESTIONS

Who do I talk to about a payment plan?- If you have questions concerning your account, payment history, total due or defaulted payment plan, you should contact the clerk's office at 276-676-6224 to set up an appointment to discuss these issues before petitioning. These matters will not be addressed when picking up a blank petition or dropping off a completed petition. All issues other than the total amount(s) due require an appointment to ensure you will have enough time to have your questions answered properly. Appointments will not be held by phone. Appointments will be held with the defendant only.

What do I need to petition?-1) A completed Petition for Deferred or Installment Payment of Fines/Costs form, (form available in the clerk's office)

How many times can I petition for a new plan?- If you have defaulted on the payment plan established at conviction/sentencing, you can petition for one more payment plan.

Can my Probation Officer talk to the Judge?-If you have defaulted on the payment plan established at conviction/sentencing, or a second payment plan, no. A Probation Officer may present a payment plan to the Court only if directed to do so by Court order.

Where do I petition for an Installment Payment Agreement?-In the Circuit Court Clerk's Office where you were convicted for the charge(s) that have fines, costs, restitution due and owing. If your fines/costs have been reduced to a civil judgment and turned over to collections prior to requesting the second pay plan, you will negotiate the plan with the Collection Agent, the Commonwealth's Attorney.

How do I petition?-Clerk's Office: complete and turn in or mail the petition. Once reviewed, a copy of the order to grant or deny your petition will be mailed to the address provided on the petition. If you'd like to pick up the paperwork, leave a telephone number where you can be reached.

If you are required to petition with the Commonwealth's Attorney, forms and directions will be provided by that office.

VIRGINIA: IN THE CIRCUIT COURT OF WASHINGTON COUNTY

FIPS CODE: 191C

IN RE: INSTALLMENT PAYMENT AGREEMENT POLICY FOR COURT COSTS, FINES AND RESTITUTION OWED IN WASHINGTON COUNTY CIRCUIT COURT

AMENDED ORDER

It appearing each defendant is given the option of a payment agreement if court costs, fines and/or restitution are not paid in full upon sentencing. This agreement is outlined in the sentencing order.

It further appearing that if a defendant should default on the payment agreement granted at sentencing, the following remedies are available, and policies are applicable:

The defendant may apply for a second payment agreement. To apply, the defendant must complete the application provided by the Circuit Court Clerk's office, in its entirety and turn the application in to the Clerk's office.

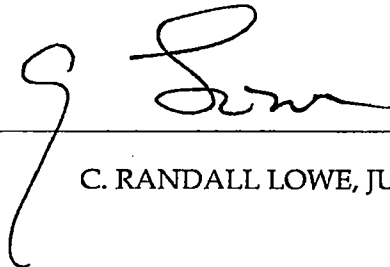
The Clerk of Court or designee shall review the application and will advise the defendant by mail, of their acceptance, and the terms of the installment plan.

If the defendant defaults on the second payment plan, he or she may apply for a third, or subsequent payment agreement with the designated collection agent, the Washington County Commonwealth's Attorney, pursuant to §19.2-349(c) of the Code of Virginia, 1950, as amended. The defendant will be given contact information by the Clerk's Office. *ca*

Payment agreements may only be entered into for convictions occurring on or after July 1, 2001.

Restitution is to be paid first, pursuant to §§19.2-305.1 and 19.2-354 of the Code of Virginia, 1950, as amended.

ENTER: THIS THE 13th DAY OF AUGUST, 2021



C. RANDALL LOWE, JUDGE