

ORDER

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF HENRY

IN RE: Payment Agreement Policy Effective July 1, 2021

Pursuant to Virginia Code §19.2-354 and Virginia Supreme Court Rule 1:24 this Court ORDERS the following procedures for implementing and maintaining the requirements for court payment agreements for the collection of fines, court costs, penalties, restitution and interest.

Jennifer Ashworth, Clerk of the Circuit Court of Henry County or her designees are hereby authorized to establish and approve payment agreements.

All defendants who are convicted of a traffic infraction or a violation of any criminal law of the Commonwealth or of a County or City, will be required to pay a fine or restitution with interest or penalty and court costs. Any defendant who is unable to pay in full fines, penalty, restitution with interest and costs of court must be offered the opportunity to enter into an *installment agreement or a deferred payment agreement* to pay those obligations. The defendant shall be given written notice of those payment options and of the option of earning credit toward discharge of fines and costs through the performance of community service work.

Community service credit shall not be credited to restitution or restitution interest. The defendant shall obtain permission from his probation officer, if currently under the supervision of a probation officer, to perform community service work. Otherwise, the defendant shall make his request in the form of a letter to the Court. The Clerk does not approve community service.

At the time of sentencing, or post-sentencing, the defendant may enter a payment

agreement of \$100.00 per month without being required to make a down payment. The Clerk is allowed to reduce the monthly requirement if good cause is reported.

At any time during the duration of a deferred or installment payment plan agreement, the defendant may request a modification of the agreement in writing on Form DC-211, and the Court may grant such modification based on a good faith showing of need.

The defendant may be offered a payment agreement combining an appropriate initial period during which no payment of fines and costs is required, followed by a period of installment payments. Such agreement may be appropriate when the defendant is incarcerated and will be at the discretion of the Court or the Clerk.

Payments are credited first to restitution interest, next to restitution, then fines, court costs and any state or local interest, as allocated by the Financial Accounting System. In accordance with §19.2-349, a portion of each payment received will be credited to collection fees if the account has such fees assessed.

All accounts delinquent more than 90 days, or in default of a payment agreement will be reported to the Taxing Authority Consulting Services, P.C., the Department of Taxation, the State Compensation Board and the Attorney for the Commonwealth. In addition, a collection fee pursuant to §19.2-349, currently 17% of the principal balance due will be applied to the account.

This ORDER supersedes all previous orders pertaining to procedures for court payment procedures and agreements.

Enter this the 22nd day of July, 2021;
Nunc pro tunc July 1, 2021.

DAVID V. WILLIAMS, JUDGE