

# DICKENSON COUNTY CIRCUIT COURT PAYMENT POLICY

## Deferred Payment/Installment Policy

### **(“Time –to-pay Policy”)**

Pursuant to Virginia Code 19.2-354, it is the responsibility of the Circuit Court to make arrangements for collection of fines, costs and restitution. The Court has assigned these duties to the Clerk of the Circuit Court. The following is your guide for the purposes of setting up a Time –to Pay plan with this Court

- 1.The defendant shall be required to complete form CC1378: “Petition for Deferred or Installment Payment of Fines/ Cost”, and submit same with the application.
- 2.The defendant shall be required to pay not less than \$65.00. The amount of payment is based on household income and will be reassessed annually.
- 3.Payments lower than stated above must be approved by the sentencing Judge. A motion must be filed.
- 4.The first pay on the Plan is due at the time of the Plan is implemented and takes effect. Community Service at approved locations, in lieu of money payments, may be an option to discharge fines and costs (but not restitution). The community service must be approved in advance by the Court or Probation Officer. The hourly credit is \$7.25.**
5. Only two Time-to-pay will be allowed per defendant unless otherwise authorized by the Court. If the first Time-to-pay is defaulted on a fee of \$250.00 or 10% of the balance must be paid before the second one can be enter into

### **Methods of Payments**

- Cash
- Company checks from your employer
- Money orders, cashier checks and certified checks - payable to: Clerk of Circuit Court
- Visa, and MasterCard

### **Other Information**

- Include your case number on payment.
- If paying by mail, a self–addressed stamped envelope is required if you request a receipt.
- If your assessed costs includes restitution, payments received will be applied to restitution first until satisfied then the remaining payments received will be applied to the court costs.

•Pursuant to Virginia Code § 19.2-353.3 payments associated with dishonored credit cards accounts will be assessed an additional fee of \$30.00.

- All payments made during the month will be credited to only that month. The computer does not recognize pre-payments.
- Interest on all restitution will start accruing from the date of the offense and continue until it is paid in full. The Time to Pay agreement **DOES NOT STOP INTEREST** from accruing on restitution.

**Penalties for Failure to Comply With Deferred Payment Plans**

- The Court may issue a Capias for your arrest, with a jail sentence of 60 days and an additional fine of \$500.00
- Your driver’s license or privilege to drive a motor vehicle will be automatically suspended effective immediately after the due date. In addition, DMV will revoke your automobile registration certificates and plates and/or refuse to issue new registration or plates until paid.
- The unpaid amount shall be forwarded to a Collection Attorney.

If your payments are mailed in and you want a receipts mailed **YOU MUST** include a self-addressed stamped envelope with payments.

Send Payments to:  
Richard W. Edwards Clerk  
PO Box 190  
Clintwood, VA 24228

I have read and understand this statement

\_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_, Deputy Clerk

8/7/15 RWE

**PETITION FOR DEFERRED OR INSTALLMENT  
PAYMENT OF FINE AND COSTS**

CASE NO. \_\_\_\_\_

VIRGINIA: In the Circuit Court  
COMMONWEALTH OF VIRGINIA  
CITY/COUNTY OF \_\_\_\_\_

VS.

\_\_\_\_\_, Defendant  
Social Security Number of Defendant: \_\_\_\_\_  
Address of Defendant: \_\_\_\_\_  
Telephone Number of Defendant: \_\_\_\_\_

I respectfully ask the Court to allow me to pay my fine and costs in deferred or installment payments. In support of my Petition, the following financial information is provided:

The information provided this Court on Defendant's Financial Statement, Form DC-333, is unchanged; OR  
New information is provided this Court in this Petition:

	<u>Employer (s)</u>	<u>Occupation</u>
Defendant _____	_____	_____
Spouse _____	_____	_____
Number of Dependents _____	_____	_____
	<u>Defendant</u>	<u>Spouse</u>
<b>Household Net Income:</b>		
Take-Home Pay (after taxes, etc.)	\$ _____	\$ _____
Other Income Sources (specify)	\$ _____	\$ _____
Income Contribution of Dependents	\$ _____	\$ _____
<b>TOTAL NET INCOME (A) =</b>		\$ _____
<b>Assets:</b>		
Bank Accounts/Cash on Hand	\$ _____	\$ _____
Other Assets (specify)	\$ _____	\$ _____
<b>TOTAL ASSETS (B) =</b>		\$ _____
<b>Debts Owed:</b>		
Car, Housing, Credit Card, Loan, Etc.	\$ _____	\$ _____
<b>TOTAL DEBTS (C) =</b>		\$ _____
<b>TOTAL DISPOSABLE INCOME (A+B-C)</b>		\$ _____

THIS STATEMENT IS MADE UNDER OATH; ANY FALSE STATEMENT OF A MATERIAL FACT TO ANY QUESTIONS CONTAINED HEREIN SHALL CONSTITUTE PERJURY UNDER THE PROVISIONS OF VA. CODE SECTION 18.2-434. THE MAXIMUM PENALTY FOR PERJURY IS CONFINEMENT IN THE STATE PENITENTIARY FOR A PERIOD OF TEN YEARS.

I hereby state that the above information is correct to the best of my knowledge.

\_\_\_\_\_, Defendant  
Sworn and signed before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
\_\_\_\_\_, Clerk/Deputy Clerk

**FOR COURT USE ONLY**

A. Defendant's Petition: Accepted Rejected  
B. Payment Type Approved: Deferred Due Date \_\_\_\_\_ OR  
Installment Beginning \_\_\_\_\_  
Final Payment \_\_\_\_\_  
Payment WEEKLY/MONTHLY/OTHER \_\_\_\_\_  
C. Date Due back in Court for Nonpayment: \_\_\_\_\_  
D. Total Amount Due: \_\_\_\_\_

Date: \_\_\_\_\_, Clerk/Deputy Clerk

**EXCEPTIONAL EXPENSES:**

Medical Expenses	\$ _____
Court-ordered support payments	\$ _____
Child Care payments	\$ _____
Approximate indebtedness to other persons	\$ _____
<b>TOTAL EXCEPTIONAL EXPENSES {D} =</b>	<b>\$ _____ {D}</b>

{A} + {B} - {C} - {D} = {E}

**AVAILABLE FUNDS OF DEFENDANT {E}** \$ \_\_\_\_\_ **{E}**

I understand that the following provisions apply if the Court grants my Petition:

- (1) If I am placed on supervised probation or allowed to participate in a community service work program, an installment payment schedule will be monitored by my probation officer or case worker; payments will be made to the clerk of this court; and I will keep the officer informed of any change of my residence address.
- (2) If I am not placed on probation or enrolled in a community service work program, payments will be paid to the clerk of this Court.
- (3) Violation of the Court's Order for Deferred or Installment Payment may be punished by:
  - (a) revocation of any suspended sentence or probation; and/or
  - (b) an additional jail sentence of up to 60 days or fine of up to \$500; and/or
  - (c) suspension of my driver's license until all fines and costs are paid; and/or
  - (d) suspension of all motor vehicle registrations and license plates held in my name, if my driver's license is suspended or revoked; and/or
  - (e) any unpaid amounts owed collected as an unpaid judgment garnishment, levy, etc.

**THIS STATEMENT IS MADE UNDER OATH; ANY FALSE STATEMENT OF A MATERIAL FACT TO ANY QUESTIONS CONTAINED HEREIN SHALL CONSTITUTE PERJURY UNDER THE PROVISIONS OF SECTION 18.2-434 OF THE CODE OF VIRGINIA. THE MAXIMUM PENALTY FOR PERJURY IS CONFINEMENT IN THE PENITENTIARY FOR A PERIOD OF TEN YEARS.**

I hereby state that the above information is correct to the best of my knowledge. I acknowledge receipt of a copy of my Petition and agree to accept service of the Court's Order by first class mail to my address of record.

_____	_____
SIGNATURE OF DEFENDANT	STREET ADDRESS OF DEFENDANT
_____	_____
SOCIAL SECURITY NUMBER OF DEFENDANT	TELEPHONE NUMBER OF DEFENDANT

Sworn and signed before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
CLERK/DEPUTY CLERK

**FOR COURT USE ONLY**

Deferred payment plan petition accepted? Yes No

Frequency of payment: (circle one) weekly monthly  
Other (describe) .....

Amount of payment: \$ .....

Date: ..... Signed: \_\_\_\_\_