

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

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	\$ _____
TOTAL EXCEPTIONAL EXPENSES {D} =	\$ _____ {D}

{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: _____