

ORDER

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF HENRY

IN RE: Payment Agreement Policy Effective July 1, 2024

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.

In accordance with §19.2-354.1(J) in any case in which a defendant owes fines and costs and where such defendant's sole financial resource is a Social Security benefit or Supplemental Security Income, then such defendant shall be exempt from making payments at least until such time that such defendant has a resource other than a Social Security benefit or Supplemental Security Income. If such defendant informs the court that his sole financial resource is a Social Security benefit or Supplemental Security Income, the case shall not be referred to collections and no payment towards fines and costs shall be taken from such exempt resource.

No Social Security benefit or Supplement Security Income shall be considered an available resource in determining the length of time to pay under a deferred, modified deferred, or installment payment agreement and the amount of payments.

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 receipted 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 Court Debt Collection Office of Virginia 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 19th day of July 2024
Nunc pro tunc July 1, 2024


JAMES R MCGARRY, JUDGE