

## **FLUVANNA COUNTY CIRCUIT COURT DEFERRED OR INSTALLMENT PAYMENT POLICY**

**EFFECTIVE JANUARY 1, 2023**

When an individual is convicted of a charge or infraction in the Fluvanna County Circuit Court, court-imposed fines and/or court costs will be assessed against the Defendant in accordance with the Code of Virginia. Pursuant to the Code of Virginia, it is the responsibility of the Circuit Court Clerk to collect fines, costs, and restitution due the Commonwealth or victim. All fines, costs, or restitution are due ninety (90) days from the date of sentencing unless otherwise ordered. If the defendant cannot meet their obligation by the set deadline, a payment plan may be established by the Clerk or their appointee. All payments received will be applied to restitution first, and then remaining payments received will be applied to the court costs and fines.

If the defendant is unable to pay the costs in full by the due date, the following will occur:

- a. 40 days after the due date, the account will begin to accrue interest, and
- b. 90 days after the due date, the account will be sent to collections and a 17% collections fee will be assessed against the account.

The defendant may satisfy payment of costs by requesting one of the following:

- a. Enter into an installment payment plan by making monthly payments at a set rate;
- b. Enter into a deferred plan by paying costs in full on a future date; OR
- c. Satisfy costs through the performance of community service pursuant to the Court's community service plan established by separate order. Community service cannot be applied to restitution owed.

### **INITIAL PAYMENT PLAN:**

A defendant who wants to establish a payment plan for the first time can appear in person in the Clerk's office, complete, and file a petition for a payment plan agreement. A petition may also be submitted by mail; however, the petition must be notarized prior to submission and the first payment, as set out below, must be submitted with the petition. Once the agreement is prepared by the Clerk's Office, it shall be signed by the defendant and, if mailed, returned immediately. If the agreement is not returned the payment plan will not be set up and entered in the Financial Management System. For in-person agreements, the first payment, as set out below, must be submitted upon entry of the agreement.

Payment terms will be set as follows:

1. Defendants who owe \$1000 or less:

Every thirty (30) days after the first payment until paid in full, the defendants who owe a total of \$1000 or less in criminal fines, costs and/or restitution, will be required to pay no less than \$25 per month if only fines and costs are owed and no less than \$50 per month if restitution is also owed. A defendant can agree to a higher payment if they so desire.

2. Defendants who owe more than \$1000:

Every thirty (30) days after the first payment until paid in full, the defendants who owe more

than \$1000 in fines, costs, and/or restitution, will be required to pay total of \$50 per month if only fines and costs are owed and no less than \$100 per month if restitution is also owed. A defendant can agree to a higher payment if they so desire.

**GRACE PERIOD & DEFAULT:**

The Clerk's Office will allow a ten (10) day grace period for receipt of payment after the due date. Payments must be received in the Clerk's Office within the grace period, or a defendant will be considered in default. In the event the defendant does not comply with the terms of the payment agreement entered with this Court, the account will default and be subject to interest and collection fees as previously stated. The account may also be sent to the Virginia Department of Taxation for collection purposes.

**REINSTATING A PAYMENT PLAN:**

A defendant who has defaulted on their account may make one (1) additional request to the Clerk for a new installment payment plan, however, the defendant must pay a down payment as follows:

- a. If the fines, costs, and/or restitution owed are \$500 or less; the required down payment shall not exceed 10% of the total owed;
- b. If the fines, costs, and/or restitution owed are more than \$500 but less than \$1000; the required down payment shall be \$50;
- c. If the fines, costs, and/or restitution owed are more than \$1000; the required down payment shall be 5% of the amount owed but will not exceed \$100.

**SECOND DEFAULT:**

A defendant who has defaulted twice on their account, may petition the Court for a new installment payment plan. The Clerk is not authorized to make payment arrangements after two (2) defaults. The above down payments apply and must be paid at the time of the filing of the petition. The Court will not consider any petition when the required down payment has not been paid.

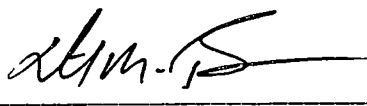
**COURT-ORDERED PAYMENT PLANS:**

If the court has set a payment plan through court order, the interest and collection fees previously stated will apply upon default. The clerk may reinstate the payment agreement once and the required down payment will apply. The above payment terms will apply unless the court ordered payment was greater than allowed under these terms, then the greater payment applies.

**MODIFICATIONS OR INABILITY TO PAY:**

Individuals whose financial circumstances do not permit payment of the above amounts or need a modification to their current payment agreement, may petition the Court to lower the monthly payment amount.

DATE: 2/23/23 *none pro*  
*Jan 1/1/23*

  
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DAVID M. BARREDO, JUDGE