

ROCKINGHAM COUNTY CIRCUIT COURT

Deferred/Installment Payment Policy

(“Time-to-Pay Policy”)

It being prescribed by Virginia Code §19.2-354(A) that it is the responsibility of the Circuit Court to make arrangements for collection of fines, costs and restitution, the Court has assigned the duties to the Clerk of the Circuit Court. The following is offered as a Guide for the purposes of setting up a payment agreement for this Court:

- Payment agreements and their terms are determined by the Circuit Court Clerk’s Office.
- Payment schedules may be set by the Court or by the Clerk’s Office.
- Terms of payment agreements may be appealed to the sitting Circuit Court Judge.
- Defendant is given written notice of all fines/costs/restitution/assessments at the conclusion of case.
- If default of payment agreement occurs, the defendant may petition the Circuit Court for a subsequent payment agreement.
- To enter into a subsequent payment agreement, the defendant is required to make a down payment as set forth in Virginia Code §19.2-354.1(E). The required down payment may not exceed (i) if the fines and costs owed are \$500 or less, 10 percent of such amount, or (ii) if the fines and costs owed are more than \$500, five percent of such amount or \$50, whichever is greater. The defendant may make a larger down payment than what is provided by this subsection.
- These terms are general guidelines that may be amended at the discretion of the Clerk and will be considered on a case-by-case basis.
- Community service at approved locations **may** be an option to discharge fines and costs (not restitution or collection fees). The community service must be approved in advance by the Court or Probation Officer. The hourly credit is minimum wage at the time of service. **The Clerk cannot approve community service.**
- A defendant may not receive credit for community service work performed while in prison. Defendants may only receive credit for community service work performed pursuant to Virginia Code Section 19.2-316.4 (CCAP) or at a local jail during which they were serving a non-felony sentence. Defendants may not apply for community service work credit during which they received a benefit or any pay whatsoever for any portion of their work performed. (Ex. Defendant paid \$.25 an hour to work in the jail kitchen. No credit for any of the work performed.)
- In any case in which a defendant owes fines and costs and where such defendant’s sole financial resource is a Social Security benefit, such defendant shall be exempt from making payments until he or she has another source of income.

The above are the terms of collection unless otherwise modified.