

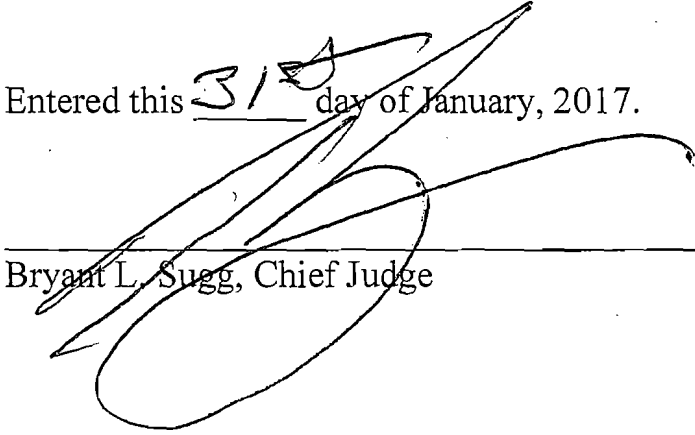
VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF NEWPORT NEWS

**IN RE: DEFERRED OR INSTALLMENT PAYMENT PLAN AGREEMENT
GUIDELINES FOR THE NEWPORT NEWS CIRCUIT COURT**

Whenever an individual is convicted of a felony, misdemeanor or a traffic infraction the court will assess court costs and/or fines in accordance with the Code of Virginia. These are due at the time of conviction unless the individual enters into a deferred payment agreement with the Court on the date of conviction. If a deferred payment agreement is not granted by the Court, the individual may enter into an installment payment plan with the Clerk of Court.

Therefore, it is ORDERED that the Clerk of this Court is hereby authorized to implement, in accordance with Rule 1:24 of the Rules of Supreme Court of Virginia, the attached guidelines for establishing an Installment Plan Agreement for the collection of fines, court costs & restitution effective February 1, 2017.

Entered this 31st day of January, 2017.



Bryant L. Sugg, Chief Judge

Newport News Circuit Court - Requirements for Court Payment Plans for the Collection of Fines and Costs Pursuant to Rule 1:24

(a) *Definitions.* -

(1) "Fines and costs" shall mean all the fines, court costs, forfeitures, and penalties assessed in all cases by a single trial court against a defendant for the commission of crimes or traffic infractions. "Fines and costs" shall also include restitution unless the court orders a specific, separate payment schedule for restitution as part of the disposition of the criminal case.

(2) An "installment payment plan" is a plan in which the defendant agrees to make monthly or other periodic payments until the fines and costs are paid in full.

(3) A "deferred payment plan" is a plan in which the defendant agrees to pay the full amount of the fines and costs at the end of its stated term and no installment payments are required.

(4) A "modified deferred payment plan" is a deferred payment plan in which the defendant also agrees to use best efforts to make monthly or other periodic payments.

(b) *Access to payment alternatives.* - Any defendant who is unable to pay fines and costs for a particular offense within 30 days of conviction, or other disposition authorized by law, must be offered by the convicting court the opportunity to enter into either a deferred payment plan, a modified deferred payment plan or an installment payment plan to pay those fines and costs. The court shall not deny a payment plan solely because (i) of a defendant's prior default, (ii) the fines and costs have been referred to collections pursuant to §19.2-349, (iii) a defendant has not established a payment history, (iv) the conviction in question is of a particular category, (v) of the availability of a restricted license authorization under §46.2-395(E), or (vi) of the total amount of all fines and costs.

(c) *Notice of payment alternatives.* - The court shall give the defendant written notice of all payment alternatives set forth in subsection (b). The written notice shall also include the availability of the community service program referenced in subsection (d).

(d) *Conditions of a payment plan.* - All the fines and costs subject to the collection process which a defendant owes for all cases in a particular court may be incorporated into one payment plan, unless otherwise ordered by the court in specific cases. A payment plan shall include only those outstanding fines and costs subject to collection under the period of time set forth in §19.2-341.

In determining the amount and length of time to pay under a deferred payment plan or an installment payment plan, a court must take into account the defendant's financial resources in light of the defendant's financial obligations, including defendant's indigence, as well as the fines and costs the defendant owes in other courts. The court should utilize either a written financial statement on a form developed by the Executive Secretary of the Supreme Court or a colloquy with the defendant to assess the defendant's ability to pay. The court may

require a compliance summary from the Department of Motor Vehicles in order to assess the number of other courts in which fines and costs are owed.

The length of a payment plan and the amount of the payments shall not be based solely on the amount of the fines and costs.

Unless otherwise ordered by the court in a specific case, (i) if a down payment is required to enter into a payment plan, it should be a minimal amount to demonstrate commitment and to facilitate entry into a plan; and (ii) for installment payment plans, any monthly or periodic payment and the length of time to pay should be a reasonable amount and time considering all the financial circumstances of the defendant. If the fines and costs are \$500 or less, the required down payment must not exceed 20% of the amount owed. If the fines and costs are more than \$500, the required down payment must not exceed 10% of the amount owed or \$100, whichever is greater. Nothing in this Rule shall preclude a defendant from choosing to make a larger down payment.

Where available, the court should liberally use community service work as an option to defray fines and costs, especially when the defendant is unable to make substantial payments. Any portion of the community service completed should be credited to the defendant's obligations. Community service shall not be credited against any amount owed as restitution, the interest which has accrued on restitution, and any collection fee required.

At any time during the duration of a payment plan, the defendant may request a modification of the plan, which shall be granted based on a good faith showing of need.

(e) *Timeliness of payments.* - Any payment which is received within 10 days of the date due shall be considered timely made.

(f) *Combined payment plans.* - When taking into account the defendant's financial obligations, including the fines and costs the defendant owes in other courts, the court may offer a payment plan combining an appropriate initial period during which no payment of fines and costs is required, followed by a period of installment payments. Such a combined payment plan may be appropriate when the defendant is incarcerated, but should not be limited only to these circumstances.

(g) *Re-entry into a payment plan after default.* - A defendant who has defaulted on a payment plan must have the opportunity to request a new payment plan and the court should consider the defendant's change in circumstances in determining whether to approve such request. When a defendant enters into a subsequent payment plan, a court shall not require a defendant to establish a payment history on the subsequent payment plan before restoring the defendant's driver's license. A court may require a down payment to enter into a subsequent payment plan which is higher than the down payment required for entry into an initial plan, although the down payment required to enter into a subsequent payment plan should not exceed 20% of the total fines and costs owed.

*****KEEP THIS DOCUMENT FOR YOUR RECORDS*****

**NEWPORT NEWS CIRCUIT COURT
PAYMENT PLAN INFORMATION SHEET**

All Circuit Court accounts that default after July 1, 2013 incur a 17% collection fee on the unpaid principal balance. If you are placed on our plan prior to having defaulted the 17% collections fee will not be added unless you fail out of the plan.

1. Return completed petition and down payment to Clerk's Office;
2. Payments are as follows:
 - New plan: \$50 or 20% of total fine & costs down, whichever is less, and \$50 per month.
 - Reinstatement: 20% of total fine & costs and \$50 per month.If you are financially unable to pay the above amounts, you will be required to complete a financial eligibility form which will be submitted to the Court for consideration.
3. Clerk will provide a DC-30 Form to take to D.M.V.;
4. Clerk will withdraw any garnishment in place for this debt;
5. Payer will make each and every payment IN FULL and ON TIME;
6. All payments are applied by age of debt – oldest debt first;
7. Plan applies to Newport News CIRCUIT COURT accounts only;
8. Any time during your plan, you may request a modification based upon a good faith showing of need.

*****WARNING *** WARNING *** WARNING *****

This is your OFFICIAL NOTIFICATION that your DRIVER'S LICENSE will be SUSPENDED and a wage garnishment issued to your employer upon missing any payment.

If you drive after defaulting on the plan you will be
DRIVING UNDER SUSPENSION

Your \$50.00 _____ monthly payments are due by 4:15 p.m. on the _____ of each month beginning _____. If your due date falls on a weekend, a holiday or any day we are closed you have until 4:15 p.m. the next business day.

Acceptable Methods of Payment

Cash Money Order Personal Check (VA Bank) VISA/MasterCard

Newport News Circuit Court Clerk
2500 Washington Ave.
Newport News, VA 23607
(757) 926-8355

**PETITION FOR DRIVER'S LICENSE REINSTATEMENT AFTER
DEFAULT OF PAYMENT TO THE CIRCUIT COURT
CITY OF NEWPORT NEWS, VIRGINIA**

I, hereby petition this Court for reinstatement of my driver's license subject to a payment plan being established between the Clerk of this Court and myself. I further understand that if I am financially unable to pay the amounts described on the Payment Plan information sheet I will be required to complete a financial eligibility form which will be submitted to the Court for consideration.

I understand that any payment plan resulting in the reinstatement of my driver's license will address all of my unpaid Newport News Circuit Court accounts that are less than 20 years old.

I further understand that payments under this plan will be applied to my unpaid accounts in order of the age of the account beginning with the oldest and working to the most recent.

Petitioner's Name: _____

Address: _____

City/State/Zip: _____

Telephone: _____

Present Balance of Newport News Circuit Court Delinquent Accounts:

\$ _____

Print Name of Petitioner

Social Security Number

Signature of Petitioner

Date

Payment Due Date

FINANCIAL STATEMENT – ELIGIBILITY DETERMINATION FOR TIME PAYMENT PLAN

[] I currently receive the following type(s) of public assistance in

CITY/COUNTY

[] TANF \$ [] Medicaid [] Supplemental Security Income \$

[] SNAP (food stamps) \$ [] Other (specify type and amount).....

[] I currently do not receive public assistance.

Names and address of employer(s) for petitioner and spouse:

Self

Spouse.....

NET INCOME:

Self

Spouse

Pay period (weekly, every second week, twice monthly, monthly)

Net take home pay (salary/wages, minus deductions required by law) \$

Other income sources (please specify)

..... \$ \$

TOTAL INCOME \$ + \$ =

ASSETS:

Cash on hand \$

Bank Accounts at: \$

Any other assets: (please specify) \$

Real estate -\$

NET VALUE

Motor Vehicles _____ value of \$

Motor Vehicles _____ value of \$

Other Personal Property: (describe) \$

TOTAL ASSETS \$

EXCEPTIONAL EXPENSES (Total Exceptional Expenses of Family)

Medical Expenses (list only unusual and continuing expenses) \$

Court-ordered support payments/alimony \$

[] deducted from paycheck [] not deducted from paycheck

Child-care payments (e.g. day care) \$

Other (describe, including debts to other Courts): \$

..... \$

..... \$

TOTAL EXPENSES \$

INCOME plus ASSETS minus

EXPENSES equals **AVAILABLE FUNDS** =

THIS STATEMENT IS MADE UNDER OATH, ANY FALSE STATEMENT OF A MATERIAL FACT TO ANY QUESTION CONTAINED HEREIN SHALL CONSTITUTE PERJURY UNDER THE PROVISIONS OF § 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.

Name of Petitioner (Print Clearly)

DATE

SIGNATURE

Sworn/affirmed and signed before me this day.

DATE

SIGNATURE

TITLE

Based upon the above information the Court sets the payments at \$.....down and \$..... monthly.

Judge's initials

APPLICATION TO PERFORM COMMUNITY SERVICE FOR CREDIT TO BE APPLIED TO FINES AND/OR COSTS

APPLICANT NAME _____

ADDRESS _____

PHONES HOME _____ CELL _____ WORK _____

1. You must submit with this application:
 - a. A completed financial information form
 - b. A DMV Compliance summary. (May be obtained at Newport News Treasurer's Office.)

The location at which you propose to perform community service must be non-profit, reputable and established in the community without any personal connection to you. The organization and location must be identified in this application and a responsible person must sign this form agreeing to supervise the community service and that the organization will report in writing to the Newport News Circuit Court Clerk's office the location and number of hours performed no later than the fifteenth of each month following the approval of this application. The hours will be credited using the current minimum hourly wage. (NO CREDIT WILL BE GIVEN FOR COMMUNITY SERVICE PERFORMED BEFORE APPROVAL OF THIS APPLICATION)

ORGANIZATION NAME: _____

ADDRESS _____

PHONE NUMBER & EMAIL _____

SUPERVISOR NAME AND POSITION _____

WE AGREE TO SUPERVISE THE ABOVE APPLICANT TO PERFORM COMMUNITY SERVICE FOR OUR ORGANIZATION AT _____

AND REPORT THE HOURS OF SERVICE PERFORMED MONTHLY TO THE NEWPORT NEWS CIRCUIT COURT CLERK'S OFFICE.

SIGNATURE POSITION DATE PHONE NUMBER

APPROVED _____

DISAPPROVED _____

NEWPORT CIRCUIT COURT JUDGE

DATE