

CLERK'S OFFICE
TAZEWELL COUNTY CIRCUIT COURT

DEFERRED PAYMENT PLAN GUIDELINES AND PROCEDURES
FOR COURT COSTS, FINES AND RESTITUTION

Effective July 2, 2021

Pursuant to Virginia Code Sections §19.2-354(A)(B) & (C), it is the responsibility of the Circuit Court to collect fines, costs, and restitution due to the Commonwealth. The Court has assigned the *Clerk of the Tazewell County Circuit Court* the duty of making arrangements with defendants to collect these fees. The *Tazewell County Circuit Court* has outlined its policy in an order dated July 2, 2021, and May 3, 2024 (see Orders below).

This is the policy of the *Tazewell County Circuit Court* concerning application, approval, and management of installment payment agreements when fines, costs, and restitution cannot be paid in full upon conviction/sentencing.

Defendants are advised upon each conviction/sentencing event that court costs, fines and/or restitution, if applicable, are due. Unless the defendant can pay these in full at the time of imposition, the Court will place the defendant on an installment payment plan as part of its order.

The defendant is given notice of all costs, fines, and restitution amounts that are due at the conclusion of each conviction/sentencing event. All notices (including amended notices) are sent to the last known mailing address of the defendant. Each conviction/sentencing event is combined into a single account for the purpose of payment.

If a defendant defaults (fails to pay), on the initial payment plan, he/she may petition for a second payment plan.

This policy is specific to the Tazewell County Circuit Court. The terms are general guidelines and may be amended at the discretion of the Clerk or the Court. Although this is the policy of Tazewell County Circuit Court, the Clerk, and the Judges of this Court reserve the right to use discretion, and to take into consideration the individual circumstances of each defendant.


Charity D. Hurst, Clerk of Court

FREQUENTLY ASKED QUESTIONS

Who do I talk to about a payment plan? -If you have questions concerning your account, payment history, total due, or defaulted payment plan, you should contact the *Clerk's Office at (276) 385-1222*. Information on payment plans and questions will be discussed with the defendant only.

What do I need to petition? -A completed Petition for Deferred or Installment Payment of Fines/Costs form (form is available in the *Clerk's Office*).

How many times can I petition for a new plan? -If you have defaulted on the payment plan established at conviction/sentencing, you can petition for one more payment plan.

Can my Probation Officer talk to the Judge? – If you have defaulted on the payment plan established at conviction/sentencing, or a second payment plan, no. A Probation Office may present a payment plan to the Court only if directed to do so by a Court order.

Where do I petition for an Installment Payment Agreement? – In the *Circuit Court Clerk's Office* where you were convicted for the charge(s) that have fines, costs, restitution due and owing

How do I petition? -*Clerk's Office*: completed and turn in or mail the petition. Once reviewed, a copy of the order to grant or deny your petition will be mailed to the address provided on the petition. If you'd like to pick up the paperwork, leave a telephone number where you can be reached.

If you are required to petition with the Commonwealth's Attorney, forms and directions will be provided by that office.

VIRGINIA: In the Circuit Court of the County of Tazewell, the 2nd Day of July, in the Year of Our Lord, Two Thousand and Twenty-One

PRESENT: The Honorable, Jack S. Hurley, Jr., Chief Judge
The Honorable Richard C. Patterson, Judge

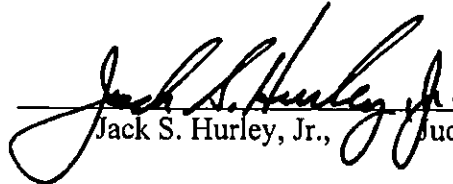
**IN RE: DEFERRED PAYMENT PLAN GUIDELINES AND PROCEDURES
FOR COURT COSTS, FINES AND RESTITUTION
PURSUANT TO VIRGINIA CODE SECTION 19.2-354**

The following are the payment guidelines for all unpaid costs, fines and restitution requested to be paid pursuant to deferred or installment payment agreements:

1. All unpaid costs and fines totaling more than \$ 50.00 are eligible for an installment or deferred payment agreement.
2. The defendant must appear, in person, in the Circuit Court Clerk's Office and request to make installment payments and will be required to sign Form 1379 Order and Notice of Deferred Payment or Installment Payments, which will serve as the agreement between the defendant and the Court.
3. If the defendant is incarcerated and unable to appear, Form 1379, upon written request, can be mailed to the defendant and must be signed by the defendant, before a notary or probation/parole officer, and returned to the Clerk's Office.
4. Payments are due every thirty (30) days. The minimum payment is \$ 80.00 per month unless a lesser amount is authorized by the Court for good cause shown. No down payment is due for the first payment plan. A payment plan must be in place within ninety (90) days of sentencing.
5. If a defendant fails to make a monthly payment and is in default, the Clerk may authorize a new payment plan. Any payment which is received within five (5) days of the due date shall be considered to be timely made.
6. After two (2) defaults on monthly payments, the defendant must complete a new petition for installment or deferred payments and it will be subject to the approval of the Clerk of Court or the Court, on the following conditions: (i) the defendant pays a down payment equal to ten (10%) percent of the fines and/or costs due if any fines and/or costs owed are \$ 500.00 or less, or (ii) a down payment of \$ 50.00 or five (5%) percent of any fines and/or costs owed if the fines and/or costs are more than \$ 500.00, whichever is greater. Upon request, the Clerk of Court or the Court may lower any down payment required under this Plan for good cause shown, which amount shall be applied to costs, fines and/or restitution.

7. The Court does authorize the use of community service at the rate of \$ 10.00 per hour to be applied to any unpaid costs or fines. Community service may **not** be used to satisfy any unpaid restitution. In the event that a defendant desires to satisfy any unpaid costs and fines through the use of community service and the defendant is on probation or parole, then the defendant must appear at the Probation & Parole Office in Claypool Hill, Virginia, in person, and be directed to the appropriate agency for the community service to be monitored. If the defendant is **not** on probation or parole then the defendant must appear at Clinch Valley Community Action in N. Tazewell, Virginia, in person, and be directed to the appropriate agency for the community service to be monitored.
8. If a defendant owes restitution, then any payments received pursuant to this agreement shall first be used to satisfy all restitution. Once the restitution obligation is satisfied in full, then the payments shall be applied to any unpaid costs and fines.

ENTERED this 2nd day of July , 2021.



Jack S. Hurley, Jr., Judge



Richard C. Patterson, Judge

VIRGINIA: IN THE CIRCUIT COURT OF TAZEWELL COUNTY

**IN RE: TAZEWELL COUNTY CIRCUIT COURT POLICY FOR
FINES AND COSTS PURSUANT TO VIRGINIA CODE
SECTION 19.2-354(C)**

On the 3rd day of May, 2024, came the Court, *sua sponte*, and now presents the policy of the Tazewell County Circuit Court in relation to community service work performed pursuant to Virginia Code Section 19.2-354(C).

It appearing to the Court that **EFFECTIVE JULY 1, 2020**, the above stated code section allows for community service hours to be performed before, during (when permissible) and after an individual is incarcerated with said hours to be credited towards any fines and/or costs owed by said individual.

Upon consideration thereof, **EFFECTIVE JULY 1, 2020**, it is hereby **ORDERED** that any individual, even while incarcerated, may perform community service hours to be credited towards any fines and/or costs owed to the Tazewell County Circuit Court **PROVIDED HOWEVER**, that any such work/community service hours **MUST** meet the requirements of Code § 19.2-354(C)(ii) and for incarcerated individuals must be in accordance with the provisions of § 19.2-316.4, 53.1-59, 53.1-60, 53.1-128, 53.1-129, or 53.1-131.

It is further **ORDERED** that if an individual is **NOT** incarcerated and **NOT** on probation and desires to perform community service hours to be credited towards any fines and/or costs owed to the Tazewell County Circuit Court, then that individual must perform said community service hours at the direction of the local Community

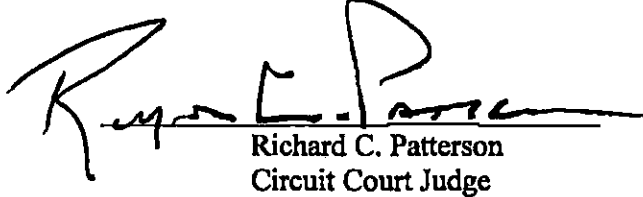
Corrections Program at a rate of the current minimum wage (as set by the Commonwealth of Virginia) per community service hour performed.

It is further **ORDERED** that if an individual is on active, supervised probation and desires to perform community service hours to be credited towards any fines and/or costs owed to the Tazewell County Circuit Court, then that individual must perform said community service hours at the direction of their Probation Officer at a rate of the current minimum wage (as set by the Commonwealth of Virginia) per community service hour performed.

It is further **ORDERED** that if an individual is incarcerated and **MEETS THE REQUIREMENTS** of Code § 19.2-354(C)(ii) in accordance with the provisions of § 19.2-316.4, 53.1-59, 53.1-60, 53.1-128, 53.1-129, or 53.1-131) and desires to perform community service hours to be credited towards any fines and/or costs owed to the Tazewell County Circuit Court, then that individual, upon providing proof of the acceptable community service hours performed while incarcerated, shall receive credit towards any outstanding fines and/or costs owed to the Tazewell County Circuit Court at the rate of the current minimum wage (as set by the Commonwealth of Virginia) per community service hour performed less any hourly rate of credit or actual pay received by that inmate while incarcerated for the same community service hour performed; **PROVIDED HOWEVER**, that any community service hours performed **SHALL** only be allowed if performed **AFTER** July 1, 2020.

The Clerk shall provide a copy of this Order to each jail facility of the Southwest Virginia Regional Jail Authority (Tazewell, Abingdon, Haysi and Duffield) and to the Virginia Department of Corrections.

ENTER this ORDER on this the 3rd of May, 2024.



Richard C. Patterson
Circuit Court Judge

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