

VIRGINIA:

IN THE JUVENILE & DOMESTIC RELATIONS DISTRICT COURT OF AMHERST COUNTY

TIME-TO-PAY AND COMMUNITY SERVICE POLICY

The Amherst County Juvenile & Domestic Relations District Court Clerk's Office offers a time-to-pay plan as payment agreement for defendants/respondents owing court costs and/or fines. The Court also allows fines and/or costs to be discharged through approved community service work in accordance with this policy. **Please note – costs and/or fines will continue to accrue interest until paid in full.**

- 1) The party owing costs and/or fines may enter into an initial payment agreement allowing ninety (90) days from the disposition of the case to make full payment. **No down payment is required for this initial plan.**
- 2) If the party defaults on the initial payment plan and requests an extension, the Court may grant a ninety (90) day extension. A one-time service fee of \$10.00 will be assessed for this extension and the fee will be added to the total costs and/or fines owed. The party requesting the extension must sign a DC210 form. A down payment is required by this Court upon entering into an extended Time-to-Pay plan following a default. Va. Code §19.2-354.1(I).
- 3) If the total amount owed is \$500.00 or less, the down payment shall be 10% of the total amount owed; if the total amount owed exceeds \$500.00, the down payment shall be 5% of the total owed or \$50.00, whichever is greater. Va. Code §19.2-354.1.
- 4) If the costs and/or fines still have not been paid within one hundred eighty (180) days of disposition of the case, the party may again request further extension. Such requests shall be made in writing to the Court and must be accompanied by a financial statement.
- 5) Exceptions may be granted by the presiding judge for conditions of hardship. The Court shall take into account the defendant's financial resources and obligations, including fines and costs owed in other courts.
- 6) Pursuant to VA Code § 19.2-354(C), a defendant owing fines and/or costs to the court may discharge a portion of fines and/or costs by earning credit for community service. The Clerk of Court is authorized to approve initial applications for entry into the program, remove participants for failure to comply with program terms, and otherwise administer the program. In order to perform community service to discharge fines and/or costs, the following program requirements must be met:
 - a. Community service credit is limited to one-half (1/2) of the total amount of any fines or costs owed; the remaining half must be satisfied by monetary payment.
 - b. Community service cannot be used to pay restitution or *guardian ad litem* fees – it is only credited to fines and/or costs owed to the court. Credit for community service may be earned even if a restitution balance is still owed.
 - c. Community service for credit toward fines and/or costs may only be performed only through non-profit organizations, or, for work being done while incarcerated, through the programs listed below at (I) in this document.
 - d. Community service shall be credited at the current Virginia minimum wage rate (\$9.50/hour as of 05/01/2021). For community service performed while incarcerated, the rate of credit shall be the current Virginia minimum wage rate (\$9.50/hour as of 05/01/2021) minus any remuneration received by the inmate.

- e. The community service must be performed after the offense date(s).
- f. The community service must be performed within one (1) year of release from incarceration, or, if no incarceration was ordered, within one (1) year of the sentencing date. This provision may be waived with express written permission from the court.
- g. Hours worked/submitted for credit in this court shall not be submitted to any other court or jurisdiction for credit, nor shall a defendant submit any hours for credit to this court which have previously been submitted to or credited by another court.
- h. A minimum of twelve (12) hours of work per calendar month is required. A certification form (available from the Clerk) must be submitted no later than 4:00 PM on the 7th day of each month certifying the number of hours worked in the previous month. Failure to submit a certification form on time may result in removal from the program.
- i. A defendant who has been ordered to perform community service hours as a part of any court-ordered sentence, plea agreement, or deferred disposition shall not be able to apply those hours toward fines and/or costs.
- j. All work performed outside of incarceration must be documented on the forms provided by the Clerk's Office. The forms must be signed by a supervisor at the organization where the work was performed. Failure to complete and/or properly submit the minimum number of hours monthly may result in removal from the program.
- k. For work performed while incarcerated, credit will not be given if the defendant is receiving sentence credits for such work.
- l. For work performed while incarcerated, the defendant must submit a document from the Department of Corrections or local/regional jail listing the total hours performed. Such documents must be on the agency letterhead and shall be signed by a person with the agency who supervised, directly or indirectly, the work. Credit for community service performed while incarcerated is limited by law to those inmates performing such work while involved with the following programs:
 - VA Code § 19.2-316.4 – Community Corrections Alternative Program;
 - VA Code § 53.1-59 – State prisoners working for localities;
 - VA Code § 53.1-60 – Prison work release outside prison;
 - VA Code § 53.1-128 – County workforces;
 - VA Code § 53.1-129 – Court-ordered workforces; and
 - VA Code § 53.1-131 – Court-ordered work release or “rehabilitative programs designed to supplement work release” from jails.
- m. In addition to this application form, the Clerk may also require completion of a sworn Financial Statement (Form DC-333) if a recent statement is not included in the case file.
- n. Any false information provided to the Court is punishable as contempt of court and/or Forgery of a Public Document (a Class 4 felony, punishable by a maximum of ten (10) years imprisonment).
- o. Requests to re-enter the program after removal are granted in the sole discretion of the Presiding Judge. Exceptions to this policy are in the sole discretion of the Presiding Judge.