

# OFFICE OF CLERK OF CIRCUIT COURT

TWENTY-THIRD JUDICIAL CIRCUIT  
OF VIRGINIA

Criminal: (540) 853-6723  
Civil: (540) 853-6702



BRENDA S. HAMILTON  
CLERK

CIRCUIT COURT  
OF THE CITY OF ROANOKE

315 Church Avenue, S.W.  
P.O. Box 2610  
Roanoke, Virginia 24010

AMENDED JULY 1, 2021

## **ROANOKE CITY CIRCUIT COURT** **REVISED DEFERRED OR INSTALLMENT PAYMENT POLICY** Effective February 1, 2017

Pursuant to Virginia Code Sections 19.2-354(A) & (B), it is the responsibility of the Circuit Court to collect fines, costs, and restitution due the Commonwealth. The Court has assigned the Clerk of the Circuit Court the duty of making arrangements with defendants to collect these fees.

Payment plans and terms may be set by the Court or the Clerk. Upon the conclusion of your criminal case, you will be given notice of fines and costs owed and restitution (if ordered by the Court). Due dates are calculated based on the order of the Judge who heard your case. If your due date is near or has already passed, you may petition the Court for a deferred or installment payment agreement using the form **Petition for Deferred or Installment Payments**, unless you are on supervised probation. See below.\*

**Down Payment on Payment Plans:** No down payment is required for a defendant's first installment payment agreement with the Clerk's Office. Nothing in this rule shall prevent a defendant from choosing to make a down payment.

### **RE-ENTRY INTO A INSTALLMENT PAYMENT AGREEMENT AFTER DEFAULT**

A defendant who has defaulted on a payment agreement may petition the court for a subsequent payment agreement. In determining whether to approve the request for a subsequent payment agreement, the court shall consider any change in the defendant's circumstances.

Re-entry into an installment payment agreement after prior default will require a down payment (i) if the fines and costs owed are \$500 or less, ten percent of such amount or (ii) if the fines and costs owed are more than \$500, five percent of such amount up to \$150 or the amount of \$50, whichever is greater. Nothing in this rule shall prevent a defendant from choosing to make a larger down payment. Re-entry into an installment payment agreement after defaulting twice must be approved by a Judge.

**Monthly Payments:** The required monthly payment amount for a payment plan is \$100.00. If you are unable to pay this amount, a written explanation is required on your Petition.

Acceptable tender types are cash, money orders, and Cashier's checks from a bank. A credit card may be used to pay Court costs (must show proper identification); however, there is a 4% fee. Due to the judicial emergency in response to the COVID 19 emergency, effective April 6, 2020, the 4% credit card fee has been suspended on all online payments. This fee will resume on July 1, 2022. Personal checks and credit cards require the approval of the Clerk's Office.

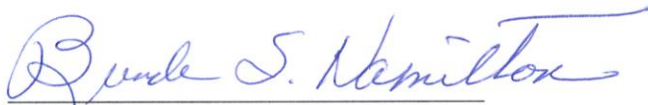
\*If you are on supervised probation on the case for which you are requesting a payment plan, you will need to speak with your Probation Officer, and ask to be placed on the Court Reporting Docket. You will then appear in Court on the date given to you by your Probation Officer and make your request to the Judge for a deferred or installment payment agreement.

Performance of community service for payment of fines and costs must be Ordered by a Judge. The Probation Officer sets up and monitors the community service. Upon proper documentation provided to the Court from the Probation Officer, the defendant will receive credit at the hourly rate of minimum wage toward payment of fines and costs. Community service cannot be done for payment of restitution. The Clerk's Office does not monitor community service.

Accounts that went past-due after July 1, 2013 are subject to a 17% Commonwealth collection fee calculated on the total amount owed. Interest will also accrue on the past-due amount and is separate from the collection fee. Additionally, past-due accounts will be sent to the Virginia Department of Taxation for possible interception of any tax refund to be applied to your account.

If a defendant serves an active sentence of jail or penitentiary time to the Commonwealth, pursuant to Virginia Code Section 19.2-353.5, interest on any outstanding fines and costs owed to this Court or any other Court, which may accrue during the period when the defendant is incarcerated, will be waived by the Court upon the defendant's request. The defendant should contact the Clerk's Office for the proper forms for waiver of interest.

This policy is specific to the Roanoke City 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 the Roanoke City 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.



**Brenda S. Hamilton, Clerk**  
**Roanoke City Circuit Court**