

# FAIRFAX CIRCUIT COURT

## PETITION TO MODIFY OR RE-ESTABLISH A PAYMENT AGREEMENT

### INSTRUCTIONS

**What to File:**      **Petition/Financial Statement (DC211)**      (Form available in Clerk's Office)  
                         **Proposed Order (C-102)**      (Form available in Clerk's Office)  
                         **Payment Agreement (CC1379)**      (Form available in Clerk's Office)  
                         **Self-Addressed Stamped Envelope**

**Down Payment:**      **A down payment is required if petitioning to re-establish a Payment Agreement after defaulting on a prior agreement. The amount required is one of the following:**

- **If the amount owed is \$500 or less, 10% of such amount, or**
- **If the amount owed is more than \$500, 5% of such amount or \$50, whichever is greater.**

**Forms of Payment:**      **Cash, Certified Check, or Money Order**      (Do NOT send Cash through the Mail)

**NOTE:** Effective July 1, 2017, pursuant to §19.2-305.1 and §19.2-354, whenever a defendant is ordered by the Court to pay Restitution, any sums collected shall be used first to satisfy such Restitution and any Collection Costs associated to Restitution prior to being used to satisfy any Fine, Cost, Forfeiture or Penalty. The defendant is required to abide by the terms of any Court ordered restitution payment agreement first, then by any Court approved payment agreement for court costs until Restitution, Fine(s), Costs, Forfeitures and Penalties are paid in full.

Any person requesting to modify or re-establish a Payment Agreement for Fines, Costs, Forfeitures and Penalties must complete the Petition/Financial Statement, Proposed Order, and Payment Agreement forms supplied by the Court.

**The following Payment Agreement Options are available:**

- ***Installment Payment Agreement*** – An agreement in which the defendant consents to make monthly or other periodic payments until the Fines and Court Costs are paid in full. Fines and Court Costs must be paid per the terms of the Payment Agreement or penalties\* will be assessed.
- ***Deferred Payment Agreement*** – An agreement in which the defendant consents to pay the full amount of the Fines and Court Costs at the end of a stated term and no installment payments are required. Fines and Court Costs must be paid in full by the Deferred Due Date or penalties\* will be assessed.
- ***Modified Deferred Payment Agreement*** – An agreement in which the defendant consents to pay the full amount of the Fines and Court Costs at the end of a stated term and also agrees to use best efforts to make monthly or other periodic payments. Fines and Court Costs must be paid in full by the Deferred Due Date or penalties\* will be assessed.
- ***Sheriff's Fines Option Program*** – Community Service work to defray Fines and Costs.

#### **\*Penalties**

Should you fail to timely pay Fines, Court Costs, Penalties and/or Restitution as agreed per the payment agreement arrangements made with this Court, the following will occur:

- Interest will be assessed. (*Note: Interest is only assessed on Restitution if it is specifically ordered by the Court. Court ordered Restitution Interest is not a penalty for violation of a Payment Agreement.*)
- Referral to Collections, plus the assessment of a Collection Fee equal to 17% of the principal amount reported.
- Claims against your Virginia Tax Returns and/or Lottery Winnings.
- You may be held in Contempt of Court, which could result in additional fines and/or incarceration. Any suspended sentence may be revoked.

The information in the Petition must be sworn to be true and correct to the best of your knowledge before one of the Deputy Clerks in the Clerk's office at the time of filing, or by a Notary Public if filing by mail. Return the completed Petition/Financial Statement, Proposed Order, Payment Agreement, Down Payment and Self-Addressed Stamped Envelope either by mail or in person to:

**Fairfax Circuit Court  
Criminal Division  
4110 Chain Bridge Road, Suite 409  
Fairfax, Virginia 22030**

After the Petition/Financial Statement, Proposed Order, and Payment Agreement are filed with the court, the documents will be forwarded to a Judge. That Judge will either "grant" or "deny" your Petition.

If your Petition is "granted" a copy of the Court Order and a copy of the approved Payment Agreement will be mailed to you in the self-addressed stamped envelope that you provided. Depending upon what type of Payment Agreement is approved, it will be your responsibility to be sure the payments are received in a timely manner per the terms of your Payment Agreement.

You will be notified by mail if your Petition is "denied". A formal hearing before a judge can be requested at that time.

**Please do not call the Clerk's Office unless you haven't received a response within two weeks.**