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**Virginia Courts Fail to Follow Key Recommendations Aimed at
Helping Low-Income Residents Pay off Court Debts**
*Nearly Two-Thirds of Courts Collect Little or No Information about Debtors’
Financial Circumstances Before Setting up Payment Plans Many Can’t Afford*

Charlottesville, Va., [May 4, 2016] – The majority of Virginia General District Courts have either disregarded or fallen significantly short of recommendations issued last summer by the Judicial Council of Virginia, the state’s top judicial policy making body, aimed at helping low-income residents pay off court fines and costs, according to [an analysis](#) released today by the Legal Aid Justice Center (LAJC).

As a result, hundreds of thousands of low-income residents have their driver’s licenses suspended when they are unable to cover court costs. For many drivers that means giving up their only mode of transportation to work and forcing them to choose between losing their jobs and risking incarceration for driving illegally.

LAJC analyzed the payment plan policies of 105 Virginia General District Courts (representing 84% of General District Courts statewide) to determine how these courts responded to recommendations by the Judicial Council, which is presided over by the Chief Justice of the Supreme Court of Virginia.

LAJC found that significant numbers of courts fail to consider an individual’s financial situation or provide low-income debtors with alternatives to rigid payment plan terms. At least 65 of the 105 General District Courts (62%) appear to collect little or no data about a debtor’s individual financial circumstances before establishing a payment plan, despite a Judicial Council recommendation that courts “assess the specific financial conditions” of the debtor before setting payment plan terms.

In nearly half of the courts reviewed, the repayment schedule is determined by either the total amount owed or a fixed number of months to pay, meaning the individual debtor’s ability to pay is not taken into consideration. And in at least 28 of the 105 courts (27%), a minimum monthly payment of \$50 or more is required to establish a payment plan regardless of the debtor’s ability to pay that amount.

“Without a clear understanding of a debtor’s financial situation, courts are likely to have little appreciation of the hardships faced by Virginians who need to decide between paying child support, buying food or covering court costs,” said Angela Ciolfi, a senior attorney at LAJC. “Under such circumstances, a payment plan that requires ‘just’ \$50 a month may be out of reach.”

In 2015, more than 900,000 (approximately 1 in 6) Virginia Department of Motor Vehicles customers had suspended driver's licenses due to one or more unpaid court costs or fines. In FY2015 alone, the DMV issued 366,773 orders of driver's license suspensions resulting from unpaid court costs or fines, more than a third of which (38%) were for offenses wholly unrelated to driving.

These costs and fines are unfair to low-income drivers. Wealthier drivers have the discretionary income to quickly cover the costs and retain their licenses. By contrast, low-income drivers struggle to meet the minimum down payments or monthly payments required by the courts and are therefore punished more harshly.

"Without a driver's license, low-income Virginia residents have a much harder time getting to work and earning the money they need to pay off their debts. In many cases they have no choice but to drive to work without a license and risk jail time," said Ciolfi.

The Virginia General Assembly passed legislation last year requiring courts to put their payment plan policies in writing. (Most of these policies are now available [online](#).) The Judicial Council then issued "Recommendations for the Collection of Unpaid Fines and Court Costs," which were distributed to Virginia courts prior to July 1, 2015, the date that written policies became required by law.

The Judicial Council recommendations were drafted to assist courts in establishing their own written policies and urged courts to develop payment plans that allow debtors to pay off fines and avoid having their driver's licenses suspended.

The LAJC analysis, "[Driven Deeper into Debt: Unrealistic Repayment Options Hurt Low-Income Court Debtors](#)," also found the following:

- Although the Judicial Council recommendations encourage courts to consider the debtor's financial obligations in other courts before setting up a payment plan, 86% of General District Court policies make no reference to such factors.
- At least 56% of General District Courts make no reference to community service as a means of offsetting court costs and fines even though the Judicial Council recommends that option.
- Although the Judicial Council recommends against requiring a down payment to enter into a deferred payment plan, 18% of courts make that requirement. Several policies are especially punitive after one default on payment. For instance, after default, courts in the 6th Judicial District (Brunswick, Emporia, Greenville, Hopewell, Prince George, Surry and Sussex) require 50% down or \$200, whichever is less, to receive only four additional months to pay in full.
- In at least 25% of General District Courts, a significant down payment is required to enter into an installment plan following one default. In Charlotte and Greene Counties, for example, debtors must pay 50% down to begin a new installment payment plan.

LAJC calls on Virginia courts to do much more to ensure that state residents who are unable to pay their court debts aren't trapped by ill-conceived payment policies that are unrealistic and counter-productive. It also notes that indigent Virginians should receive extra consideration, such as foregoing driver's license suspension when poverty precludes payment. "These individuals should be afforded a way to maintain licenses, and their livelihood, despite their poverty," the analysis states.

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The [Legal Aid Justice Center](#) (LAJC) fights injustice in the lives of individual Virginians while rooting out exploitative policies and practices that keep people in poverty. We use impact litigation, community organizing, and policy advocacy to solve urgent problems in areas such as housing, education, civil rights, immigration, healthcare and consumer finance. Our primary service areas are Charlottesville, Northern Virginia and Richmond/Petersburg, but the effects of our work are felt statewide and even nationally.