

Washington State Office of Public Defense (OPD) Parents Representation Program Expert Services Policy

Expert Services

In order to ensure the effective assistance of counsel, OPD provides funding for expert services and evaluations necessary for a parent's case. OPD-funded expert services are those requested by the parent's attorney, and can include expert services to rebut court-ordered evaluations. However, they do not include services and evaluations ordered by the court or services the department is required to fund, including concrete services. OPD-funded expert services also do not include court records, which should be provided to clients and their attorneys at no expense. [GR 34](#), [RCW 13.50.100](#), [RCW 13.50.010\(1\)\(b\)](#), [RCW 13.34.090\(4\)](#); [Jafar v. Webb](#), 177 Wn.2d 520 (2013).

Pre-Approved

The following expert services are pre-approved for OPD contract attorneys **if 1) the expense is under \$250 and 2) all other possible forms of paying for the service have been exhausted.**

- Interpreter services for meeting with your client outside of court (Note: \$250 cap relates to each meeting, not entire case representation);
- Subpoenas for trial witnesses;
- Cost of client records (excluding court records) not included in discovery;
- Costs of professional consultations (for example client's physician);
- Testing procedures (for example UAs and hair follicle tests);
- Court reporter transcription services; and
- Background checks.

Approval Required

Over \$250 OR NOT on the above list

- To request a pre-approval, email or call an OPD manager with the following information:
- Name and contact information for the expert you have identified,
- Cost for the service; and
- Brief case background regarding why you think the service is necessary (note: case numbers, client initials or other client-identifying information should not be included in the background statement).

Negotiate the best rate for the service considering what is reasonable for the facts in the case, including asking whether the provider has a rate for clients who are indigent or for public defense offices.

For second opinion evaluations, explore with the provider whether the lower cost option of a peer review evaluation would be appropriate in the case prior to asking for a full psychological evaluation.

If you have an emergency request, contact any available OPD manager in addition to leaving a voicemail or email with the manager responsible for your county.

If the request is approved, the expert will receive a letter from OPD with an ESC number explaining that OPD has approved the expenditure, including the process for payment. The approved maximum amount will be specified. The expert cannot exceed the maximum amount unless OPD has pre-approved a second request for additional services.

If the request for expert services does not meet the criteria for approval, OPD managers will suggest alternative means of support for the attorney, such as other services which may assist the client.

Payment for Expert Services

Contractors may submit expert services invoices at the same time they submit their monthly invoice or submit expert services invoices separately to OPD. The contractor should submit an OPD Expert Services Invoice Form, indicating whether the expert should be paid directly or whether the contractor is requesting to be reimbursed for paying the expert. The Expert Services Invoice should be redacted of client information, but should include the contractor's name and the fund approval ESC number. If seeking reimbursement, a receipt or proof of payment such as a cancelled check or invoice with a zero balance must accompany the invoice. If pre-approved travel is included, submit the travel voucher and expert invoice at the same time.

Contractors should also make every effort to have all services billed in a fiscal year (July 1 to June 30) no later than July 15 of the subsequent fiscal year.