

The Role of Experts

In order to effectively represent a parent in a dependency, termination of parental rights, or guardianship proceeding, parent attorneys may need to obtain an expert to consult and/or testify on a case. The use of experts by parent attorneys can provide the court and parties with invaluable insight and can determine which side prevails at trial. Experts can greatly enhance successful negotiations, provide consultation so the parent attorney can adequately respond to issues raised in the case, and provide an essential record for any issues raised on appeal. Parent attorneys should consider utilizing experts throughout the life of the case including the shelter care/initial removal stage. When parent attorneys have an issue they feel they cannot adequately address in the case, they should consider whether an expert can fill the gap. Parent attorneys should be mindful that they may not be able to provide an adequate defense without the support of an expert.

As a parent attorney, one has varied avenues for obtaining funding for experts. If the expert is needed to address or investigate a parental deficiency consideration should be given as to whether to ask the court to order the state agency to provide the expert. Attorneys should also consider asking for funding from the court or public defense budget if you believe they will be ineffective without the expert. Some experts (especially high cost medical forensic experts) are willing to take on pro bono clients if the attorney representing the parent is appointed at public expense and they feel the removal was based on a medical misdiagnosis, faulty science, or that the state agency “got it wrong.”

The Washington State Office of Public Defense’s Parent Representation Program provides access to funding to obtain independent experts. Typical experts used by Parent Representation Program attorneys include:

Medical Experts	Urinalysis interpretation
Chemical Dependency Assessment	Home studies
Bonding-Attachment Assessment	Private Investigator
Psychosexual Evaluation	Forensic Social Work
Parenting Assessment	Paternity Testing
Reunification Evaluation	Medical Records
Domestic Violence Assessment	Transcripts
Visitation Observation	Deposition
Consultation on a psychological or medical issue	Interpreter

The use of experts by Parent Representation Program attorneys has changed over time.

In 2011 the top 4 used experts were:

-Psychological Evaluations	27%
-Expert Testimony	11%
-Polygraph	10%
-Forensic Social Worker	7%

In 2016, the top 4 used experts were:

-Forensic Social Worker	18%
-Medical Forensic Review	14%
-Psychological Evaluations	12%
-Expert Testimony and Home Studies (tied)	10%

For additional information, please contact:

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