



Washington State Office of Civil Legal Aid

PO Box 41183
Olympia, WA 98504-1183
(360) 338-5619

Bailey Zydek, Program Manager
Children's Representation Program
bailey.zydek@ocla.wa.gov

EXPERT SERVICE AUTHORIZATION AND COMPENSATION POLICY & PROCEDURES

Revised 5/9/24

Overview

Standards of Practice 6.2 and 7.1 establish an attorney's duty to utilize expert services where necessary to effectively represent children and youth in dependency proceedings. The Office of Civil Legal Aid has limited funding available to allow attorneys to engage a third-party professional to work independently on behalf of their clients. Situations where a third-party professional may be needed can include but is not limited to:

- The State has denied a placement's home study and an independent home study is needed.
- The attorney needs expert assistance to address unique or difficult racial, cultural, disability, or other challenges experienced by the child in current or proposed placements.
- The attorney needs an independent professional assessment to assess and determine appropriate services for a child or youth.
- The legal, medical, or therapeutic needs of the child are so complex or discovery materials so extensive that the attorney needs professional assistance to review the discovery and identify material relevant to the question(s) at hand (forensic social worker services)
- A child has been languishing in care as a "BRS"-level youth and the attorney needs the assistance of an expert to identify and articulate a case plan for transitioning the youth to a less-restrictive, more family-like setting
- The attorney needs expert assistance to address or respond to findings or recommendations offered by a state social worker or CASA/GAL that are at odds with the child's stated or legal interests.
- The State is opposing placement with a parent or relative/fictive kin and the attorney needs expert assistance in drafting a plan for safe reunification with a parent or placement with a relative/fictive kin.
- Process of service, deposition, transcription services, and other litigation expenses

Prior authorization is required before an attorney may seek to engage a third-party professional at OCLA expense. Authority to provide state funding for a third-party professional is discretionary and subject exclusively to the determination of the CRP Manager or their designee. Requests for

compensation will be considered on a case-by-case basis and authorization will not be unreasonably withheld.

Authorization Procedure

The attorney is responsible for identifying and contracting with third-party professionals; however, attorneys must secure prior authorization from the CRP Manager or their specified designee if the attorney wants the cost of the service to be paid for by OCLA. To obtain authorization for funds for an expert service, an attorney must send an email to crp@ocla.wa.gov with the following information:

1. The case ID number associated with the client that will be receiving this service (the same number used in monthly invoices).
2. A brief description of the service needed and why it is needed.
3. The estimated cost of the service, including, where applicable:
 - a. The estimated number of hours to complete the service
 - b. The associated per hour rate
 - c. Travel fees and expenses
 - d. The total cost of the request

Note: the above information must be clearly laid out in the request. CRP staff will not calculate these figures for you.

4. Where applicable, the CV of the proposed expert, which should include an email address at which the expert can be contacted.

The CRP Manager or their designee will review the request to assess whether the requested service is necessary and appropriate to further the attorney's standards-based representation of the client. The CRP Manager may ask for additional information when making this assessment.

Payment Policy & Procedure

Once the CRP Manager has approved a funding request for expert service, the attorney has two options for getting the service funded: OCLA pays the third-party professional directly or the attorney pays the cost initially and then invoices OCLA for reimbursement.

Procedure for Direct Payment to Expert

OCLA can only make direct payments to third-party professionals who have a statewide vendor number. In those instances where the attorney elects to have OCLA pay the third-party professional directly, the attorney must abide by the following procedure:

1. OCLA will send a letter to the expert outlining the funding amount that has been authorized and instructions on payment procedure.
2. Once the expert has completed their service, they will submit their A19 directly to the attorney.
3. Attorneys will redact any client-identifying information that might exist in the A19 submitted and then forward to either 1219invoice@ocla.wa.gov (for services completed on behalf of clients under a 1219 contract) or legallyfreeinvoice@ocla.wa.gov (for services completed on behalf of clients under a legally free contract). Attorneys must attest that the work reflected in the invoice was done fully and completely and to the satisfaction of the attorney when forwarding the invoice to OCLA.
4. OCLA will process the A19 invoice for payment according to its internal procedures. Payment will be remitted directly to the third-party professional.

Cost-Reimbursable Procedure

OCLA can only make direct payments to third-party professionals who have a statewide vendor number. As such, there may be instances where it is more practical for the attorney to front the cost of the service and then submit an A19 invoice to OCLA for reimbursement. In those instances, the attorney must submit an A19 invoice along with a redacted copy of the third-party professional's invoice (where applicable) and proof of payment (e.g. receipt) to either 1219invoice@ocla.wa.gov (for services completed on behalf of clients under a 1219 contract) or legallyfreeinvoice@ocla.wa.gov (for services completed on behalf of clients under a legally free contract).

Invoices should be submitted within 10 calendar days after the close of the billing period. Invoices submitted beyond 30 days after the billing period may not be paid. OCLA operates on a fiscal year that runs July 1st through June 30th of a calendar year. **Invoices submitted after July 10th of the current calendar year for work completed through June 30th of the current calendar year will not be paid.** It is the attorney's responsibility to ensure that third-party professionals are aware of these timelines and restrictions. OCLA will process payments on a timely basis consistent with the payment terms in our underlying contract with the attorney.