

EXPERT SERVICE AUTHORIZATION AND COMPENSATION POLICY & PROCEDURES REVISED 1/29/2025

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 (OCLA) 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 are 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 at a behavioral rehabilitation service (BRS) level youth home and the attorney needs the assistance of an expert to identify and articulate a case plan for transitioning the youth into 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, court appointed special advocate, or guardian ad litem 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 or 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 Children's Representation Program (CRP) Director 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 contractor is responsible for identifying and contracting with third-party professionals; however, attorneys must secure prior authorization from the CRP Director 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 complete the Expert Service Request Form, available on OCLA's website [here](#), and submit to your designated Managing Attorney for review. The Expert Service Request Form includes the following information,¹ which must be completed in its entirety, where applicable, for the request to be considered:

- The Case ID number associated with the client who will be receiving this service. This is the number associated with the case in CAROS.
- A brief description of the service needed and why it is needed.
- The estimated cost of the service, including, where applicable:
 - The estimated number of hours to complete the service.
 - The associated per hour rate.
 - Travel fees and expenses.
 - The total cost of the request.
- Whether you intend to have OCLA pay the expert directly (check box).
 - If this box is checked, you must provide an email address at which the expert can be reached. Upon request, you are required to provide OCLA with a CV of the expert in question.
 - See Procedure for Direct Payment to Expert below for important information about direct payments.

The Managing Attorney 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 Managing Attorney may ask for additional information when making this assessment. Once reviewed, the Managing Attorney will forward it to the CRP Director for approval.

Payment Policy & Procedure

If the CRP Director has approved a funding request for expert service, the attorney has two options for funding the service:

1. The attorney pays the expert directly and then invoices OCLA for reimbursement; or
2. OCLA pays the third-party professional directly pursuant to the Procedure for Direct Payment to Experts.

Procedure for Reimbursement

Where an attorney pays the expert directly, the attorney may request reimbursement for expert services. To seek reimbursement, 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 crpinvoice@ocla.wa.gov.

¹ PLEASE NOTE: the above information must be clearly laid out in the request. CRP staff will not calculate these figures for you.

Procedure for Direct Payment to Experts

OCLA can only make direct payments to third-party professionals who have a statewide vendor number (SWV#). 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 the payment procedure, cc'ing the requesting attorney.
2. Upon completion, the expert must submit their A19 directly to the requesting attorney.
3. The requesting attorney must then review the A19, redact confidential information, and attest that the work reflected was done fully and completely and to the satisfaction of the attorney.
4. The requesting attorney will then forward the reviewed and attested A19 to crpinvoice@ocla.wa.gov.
5. OCLA will process the A19 invoice for payment according to its internal procedures. Payment will be remitted directly to the third-party professional.

Timelines

Where OCLA is reimbursing the attorney for the cost of the expert service or paying the expert directly, invoices for expert services 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.