

Pursuant to the decision in *State v. Punsalan*, 156 Wash.2d 875, 133 P.3d 934 (2006), FCOPD provides funding for investigators, experts and other justifiable professional services necessary for the defense of a criminal case with privately retained defense counsel, when the defendant is able to show that he/she is not able to afford the cost of such professional services.

**If you are a lawyer representing a defendant on a criminal case on a privately retained basis and believe that funding for an investigator, expert(s) or other professional services meets the criteria in *State v. Punsalan* as well as [CrR 3.1\(f\)](#) then please follow these instructions for requesting such funding.**

## Step 1

### Screen for eligibility

Screening for financial eligibility has been delegated by Superior Court to FCOPD. Please have your client complete an [Indigency Screening Application](#) and send it directly to FCOPD. Please assist your client in ensuring that **the entire form** is completed and it is properly signed **by your client**. FCOPD screens for eligibility using standards set out in RCW 10.101.020 and may utilize public records and investigative databases to verify information provided by your client. A preliminary screening can be completed based on a scanned and emailed copy of the completed form (please send it to [OPD@co.franklin.wa.us](mailto:OPD@co.franklin.wa.us)) but an original form with your client's signature **is required** for FCOPD records and should be sent (legal messenger or US Mail) to:

**Franklin County  
Office of Public Defense  
1016 N. 4<sup>th</sup> Ave, Pasco, WA 99301**

***\*\*Important: please DO NOT send Indigency Screening Applications on these types of cases directly to the court and/or requesting approval for funding by way of motion and order with the court.***

**If your client's application is denied by FCOPD, then you may appeal to the Superior Court on an *ex parte* hearing basis.**

## Step 2

### Request funding approval

Once you have been notified that your client's indigency screening has been approved (usually by email), then you will need to specifically request funding for the services you need. FCOPD utilizes an email pre-authorization process that complies with [CrR 3.1\(f\)\(2\)](#). This means that with the exception of bona fide emergency circumstances, **all services** must be pre-authorized. To do this, send an email to [OPD@co.franklin.wa.us](mailto:OPD@co.franklin.wa.us) containing the following information:

- Case name (first and last) and number
- Charge(s)
- Requested services and desired service provider
- Funding limit requested

For **investigative services requests**, please provide some details on the scope of investigation necessary for the case. Approved investigative services requests will be assigned to one of FCOPD's contract investigative services agencies. **These are the only investigators that FCOPD will authorize for publicly funded criminal defense investigations.** Please also read FCOPD's [policy on this subject](#)

for more information about investigative services requests including funding limits generally observed for different types of cases.

For **expert services requests**, while you are free to choose the expert of your choice, FCOPD does reserve the right to impose funding limitations. Furthermore, to minimize expensive travel expenses, FCOPD's general policy on expert authorization is that out-of-state experts will not be approved unless there is a showing that in-state experts that can reasonably provide the services necessary are not available. Simply "having a preference" for an out-of-state expert, or wanting to hire the best possibly expert for a particular subject matter, will not suffice for justification.

### Step 3

#### Claim compensation

Once **services have been provided** then an original completed **itemized billing** is necessary before compensation will be disbursed. Either you, as attorney of record, or your service provider can sign the completed Claim form. FCOPD observes 30 day payment terms though actual payments are often quicker.

***Important note: Services MUST be completed before an itemized billing is submitted and compensation is paid. As a government agency, FCOPD is legally prohibited from paying any compensation in advance of services being provided. This means that, for example, advance retainers cannot be paid. Instead, FCOPD does write funding guarantee letters advising service providers that their fee, up to the funding approval amount, are guaranteed by FCOPD to be paid.***