

WAC 388-885-016 Matters for which reimbursement is not available. The department will not reimburse under chapter 388-885 WAC for the costs of the following:

(1) Investigation or legal representation challenging the conditions of confinement at SCC.

(2) Investigation, legal representation, or reimbursement for the costs of making requests under the Public Records Act, chapter 42.56 RCW, and for the costs of records procured subject to the Public Records Act.

(3) Legal representation or advice provided regarding a grievance filed pursuant to SCC policy 204, unless provided as a part of SVP trial investigation and preparation under WAC 388-885-010 (2)(d) and (e).

(4) Legal representation or advice provided regarding a behavioral management report pursuant to SCC policy 235 or 238, unless provided as a part of SVP trial investigation and preparation under WAC 388-885-010 (2)(d) and (e).

(5) Investigation, legal representation, advice and associated costs regarding residents as defined in WAC 388-885-010 who have been criminally charged, unless provided as a part of SVP trial investigation and preparation under WAC 388-885-010 (2)(d) and (e).

(6) Depositions conducted without a subpoena or by agreement of counsel, unless authorized by the court.

(7) A new full evaluation of a resident when the evaluator has previously conducted a full evaluation of the same person within the past twelve months, unless authorized by the court.

(8) After the appeal of the initial commitment proceeding, the department will not reimburse for appeal costs, the department does not pay for the costs associated with the appeal of the order of commitment or an appeal resulting from any proceeding thereafter. These costs are reimbursed by the State Office of Public Defense.

(9) Costs associated with finding or developing a different less restrictive alternative other than what the department supports, unless authorized by the court for good cause.

(10) Any form of training for attorneys, expert witnesses, or other persons including continuing legal education or workshops.

(11) Legal representation during a period not covered as part of the civil commitment process as defined in WAC 388-885-010(2).

(12) For expert evaluation services performed by any party who does not qualify as a "professionally qualified person" WAC 388-880-010.

(13) For mental health or sex offender treatment provider services, treatment or consultation rendered to a resident at the total confinement facility or a secure community transition facility or other less restrictive alternative setting by anyone licensed under title 18 RCW unless approved in advance, in writing, by the SCC superintendent.

(14) For the presence of more than a single attorney at any evaluation or interview unless the presence of a second attorney is specifically authorized by order of the court.

(15) Standby attorneys for pro se litigants are compensated only in so far as allowed for specific activities set forth in the court order which appointed them and for reimbursement purposes, that appointment may only be for matters defined in WAC 388-885-010(2) "civil commitment process."

[Statutory Authority: Chapter 71.09 RCW, RCW 72.01.090, 2010 c 28, 2010 c 37, and Washington state supreme court decision No. 80570-9 re Detention of John L. Strand, filed October 8, 2009. WSR 11-10-086, § 388-885-016, filed 5/4/11, effective 6/4/11.]