



DIVISION OF DEVELOPMENTAL DISABILITIES  
Olympia, Washington

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TITLE: COMMUNICATIONS WITH ATTORNEY GENERAL POLICY 2.02

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Authority: RCW 4.92.060  
RCW 4.92.070  
RCW 4.92.075

**PURPOSE**

The purpose of this policy is to provide an organized method for requesting assistance from the Office of the Attorney General. The policy is intended to eliminate duplicate requests, coordinate staff efforts, and facilitate communication of responses to all appropriate staff of the Division of Developmental Disabilities (DDD).

**SCOPE**

This policy applies to all DDD units/organizations.

**POLICY**

**A. Requests for Legal Advice**

1. If DDD Staff need a written response, they should submit their request for legal advice on the attached "Request For Legal Advice" form. This form should be signed by a regional administrator, central office program managers or office chiefs, or the division director.
  - a. The requestor should send a copy of the request to the division director.
  - b. Upon receipt of the form the designated AAG will acknowledge receipt, and let the requestor know when they can expect a response.

2. Requests needing a verbal response can be communicated orally, or in writing using the "Request For Legal Advice" form. Such requests should be screened by the appropriate central office program manager or office chief, or regional administrator.
3. If an emergency exists, and legal advice is needed immediately, efforts should be made first to screen the request by the appropriate central office program manager or office chief, superintendent, Field Service Administrator, or regional administrator or the regional administrator's designee.

**B. Representation in a Fair Hearing**

1. It is not always necessary to have AAG representation in a fair hearing, even if the appellant is represented by an attorney.
2. If staff suspect that they may need AAG representation due to the complexity of the issues involved, the nature of the appellant's legal assistance, or that further litigation is anticipated, staff should discuss with their unit's supervisor.
3. If it is determined by the organizational unit that representation is needed, staff should contact the designated AAG to determine what information the AAG needs.
4. AAG advice may also be requested to assist staff to prepare for a fair hearing or if questions arise during a fair hearing.
5. If a representation request is denied, and the regional staff continue to believe that the case cannot be adequately represented, the staff should contact the appropriate central office program manager or division director for further assistance.
6. If staff wish to appeal an initial decision, the written appeal should be coordinated with an AAG.

**C. Representation in a Lawsuit**

1. If any DDD staff is named in a lawsuit arising from their job duties, staff should call the designated AAG immediately. If staff intend to request AAG representation, staff should ask for and complete the "Request For Legal Defense" form (AG Form #163 Rev. 9/93) from the AAG, and submit it as soon as possible.

2. If DDD staff have reason to believe that a lawsuit may be filed against them or the department, they should contact the AAG to determine what documentation they should begin collecting, if any.

**SUPERSESSION**

Division Policy Directive: 113  
Issued June 23, 1978

Approved:  /s/ Norm Davis  
Director, Division of Developmental Disabilities

Date: 11/21/94