
Judiciary Committee

HB 1008

Title: An act relating to the protection of vulnerable adults.

Brief Description: Protecting vulnerable adults.

Sponsors: Representatives Moeller, Lovick, Kagi, Cody, Appleton, Conway, Morrell, Kenney, Simpson, B. Sullivan, Goodman and Lantz.

| Brief Summary of Bill |
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| <ul style="list-style-type: none">• Allows any person to petition for an order for protection of a vulnerable adult and lengthens the maximum time period that an order for protection can extend to five years.• Requires the Administrative Office of the Courts to develop and maintain standard petition and order for protection forms and instructions, which must be used beginning September 2, 2007. |
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Hearing Date: 1/17/07

Staff: Edie Adams (786-7180).

Background:

The Abuse of Vulnerable Adults Act provides a number of protections for vulnerable adults, including authorizing the Department of Social and Health Services (DSHS) and law enforcement agencies to investigate complaints of abandonment, abuse, financial exploitation, or neglect of vulnerable adults; requiring mandatory reporting and investigations; and allowing vulnerable adults to seek protection orders or file civil suits for damages resulting from abandonment, abuse, exploitation, or neglect.

A vulnerable adult includes a person who:

- is age 60 years or over who has a functional, mental, or physical inability for self-care;
- has been found to be incapacitated;
- has a developmental disability;

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- resides in a licensed facility such as a nursing home, adult family home, or residential habilitation center; or
- is receiving hospice or home health services.

A vulnerable adult who is suffering from abandonment, abuse, financial exploitation, or neglect may petition the superior court for an order for protection. The court may order any relief it deems necessary to protect the vulnerable adult for a specified period of time that may not exceed one year. The types of relief the court may order include:

- restraining the respondent from committing acts of abuse, abandonment, exploitation, or neglect;
- prohibiting contact by the respondent;
- prohibiting the respondent from coming within a certain distance of particular locations;
- requiring the respondent to provide an accounting of the disposition of the vulnerable adult's income or resources; and
- restraining the sale of property for a specified time period.

The DSHS is authorized to file a petition for an order for protection on behalf of a vulnerable adult, but only if the vulnerable adult consents. In addition, there is a provision that states that "where necessary," a petition for a protection order or an action for civil damages may be brought by the vulnerable adult's family members and/or guardian or legal fiduciary.

The civil filing fee for a petition for an order for protection is \$200. The court may waive the filing fee in its discretion.

Summary of Bill:

A petition for an order of protection for a vulnerable adult may be brought by any person on behalf of the vulnerable adult. A separate provision specifies that a petition for a protection order or an action for civil damages may be brought by any person on behalf of the plaintiff if it is brought in good faith.

The remedies that the court may provide in an order for protection may extend for a maximum period of five years (rather than one year). The court may not charge a filing fee for a petition for an order for protection.

The Administrative Office of the Courts (AOC) must develop and maintain standard petition and order for protection forms and instructions, and a court staff handbook on the protection order process. The instructions must be designed to assist petitioners in completing the petition and must include a sample of the standard petition and order for protection forms. The AOC must prepare these documents in consultation with interested persons, members of the Elder Law Section of the Washington State Bar Association, judges, the DSHS, and law enforcement. In addition, the AOC must translate the instructions into the languages spoken by the significant non-English-speaking or limited-English-speaking populations in the state.

Court clerks must make the standard forms and instructions available, free of charge, within 90 days of receiving them from the AOC. Assistance provided to an individual in completing the standard forms does not constitute the practice of law. The standard petition and order forms must be used for all protection orders sought or issued after September 1, 2007.

Appropriation: None.

Fiscal Note: Requested on January 12, 2007.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.