

SENATE BILL REPORT

SB 6323

As of January 25, 2010

Title: An act relating to providing protection for vulnerable adults when domestic violence temporary ex parte protection orders are requested and issued.

Brief Description: Providing protection for vulnerable adults when domestic violence temporary ex parte protection orders are requested and issued.

Sponsors: Senators Swecker and Stevens.

Brief History:

Committee Activity: Human Services & Corrections: 1/22/10.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Kevin Black (786-7747)

Background: A domestic violence protection order is a court order restraining a person from certain acts, including an act of domestic violence, contacting or coming within a specified distance of another person or location, or interfering with the custody of minor children. An ex parte domestic violence protection order is a temporary court order issued outside of the presence of the respondent in the absence of a full hearing or an opportunity on the part of the respondent to submit evidence or testimony.

A vulnerable adult is a person who (a) is 60 years of age with the inability to perform self care; (b) is incapacitated or who has a developmental disability; (c) is admitted to a facility; or (d) receives services from home health, hospice, or home care agencies or from an individual provider.

A brain injury may be traumatic or acquired, and when severe may be the cause a wide range of cognitive and/or emotional impairments. While most brain injuries are attended by mild symptoms which may recede or disappear over time, other brain injuries may produce long-lasting or permanent disability.

Summary of Bill: Before the court issues an ex parte domestic violence protection order, it must determine from the sworn testimony of the petitioner whether the respondent is a vulnerable adult. If the respondent is a vulnerable adult, the court must inquire and the petitioner must provide information regarding the nature and extent of the respondent's

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injury, the respondent's ability to find suitable care, and the likelihood of harm to the respondent if the protection order is served or enforced.

The definition of vulnerable adult is expanded to include a person with a brain injury, whether traumatic or acquired.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: A person with a brain injury cannot cope with being told to pack quickly and leave a house. This situation may cause fresh injury to the brain injured person, and trigger a major setback for recovery. The signature wound of the Iraq War is brain injury. The divorce rate of returning soldiers is staggering. Ex parte orders do serve an important purpose. I fear a soldier with a brain injury in this situation could injure a police officer.

OTHER: We recognize vulnerable adults are entitled to support and may need an accommodation. It is not appropriate to place the burden of recognizing and providing for such an accommodation on the petitioner. The need for safety and protection is a separate issue, and should not be sacrificed in this process. Not all persons with brain injury will fall into the category of being a vulnerable adult.

Persons Testifying: PRO: Steve Zagelow, citizen.

OTHER: Grace Huang, Washington State Coalition Against Domestic Violence.