

# SENATE BILL REPORT

## SB 6323

---

---

As Reported by Senate Committee On:  
Human Services & Corrections, February 3, 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, 2/03/10 [DPS].

---

### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** That Substitute Senate Bill No. 6323 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell, Kauffman and McAuliffe.

**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

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

symptoms which may recede or disappear over time, other brain injuries may produce long-lasting or permanent disability.

**Summary of Bill (Recommended Substitute):** The Administrative Office of the Courts is directed to update the law enforcement information form it provides for a petitioner seeking an ex parte protection order in order to prompt the petitioner to disclose whether the respondent is a person with a disability, brain injury, or impairment requiring special assistance.

Any peace officer who serves a protection order with the knowledge that the respondent requires special assistance due to a disability, brain injury, or impairment must make a reasonable effort to accommodate the needs of the respondent to the extent practicable without compromise to the safety of the petitioner.

**EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended Substitute):** The information about the disability or impairment is communicated to law enforcement instead of the court. A peace officer serving the protection order must make a reasonable effort to accommodate the needs of the respondent. The change to the definition of vulnerable adult is removed.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony on Original Bill:** 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.