

Protecting Elders and Vulnerable Adults from Abuse and Neglect

Who are “vulnerable adults?”

Washington State’s [Vulnerable Adult Protection Act](#) protects people who:

- Are 60 or older who are functionally, mentally, or physically unable to care for themselves OR
- Have a court-appointed guardian OR
- Have a developmental disability OR
- Live in nursing homes, adult family homes, boarding homes, or any other facility OR
- Get services from home health, hospice, or home care agencies OR
- Get services from an individual care provider or a personal aide

❖ Read the [Vulnerable Adult Protection Act](#) in the Revised Code of Washington, [RCW 74.34](#), at your local library or online.

What is elder/vulnerable adult abuse and neglect?

Abuse here means willful or non-accidental action or inaction that harms a vulnerable adult. The harm can be:

- physical or mental injury
- unreasonably being held somewhere against their will
- intimidation
- punishment

Abuse includes:

- sexual abuse
- mental abuse
- physical abuse
- exploitation of a vulnerable adult

Neglect is when a person or agency with a duty to care for a vulnerable adult acts (or fails to act) in a way that results in the vulnerable adult not getting care needed to keep them physically or mentally healthy.

Exploitation is when an abuser illegally/improperly uses a vulnerable adult or the vulnerable adult’s income/resources, including trust funds or bank accounts, for the abuser’s profit/advantage.

Abandonment is when a person or agency with a duty to care for a vulnerable adult acts (or fails to act) in a way that leaves the vulnerable adult unable to get needed food, clothing, shelter, or health care.

Self-neglect means a vulnerable adult, not living in a care facility, cannot provide for themselves the goods and services needed for their physical or mental health. This hurts or threatens the vulnerable adult's well-being.

I believe someone is abusing or neglecting an elder or vulnerable adult. Who can I call?

Call Adult Protective Services (APS), located in your local Department of Social and Health Services (DSHS) office. Or call the statewide hotline at 1-866-363-4276 (1-866-End-Harm).

Do I have to report abuse?

Yes, if you are one of these:

- cops
- social workers
- social service, welfare, mental, or health agency workers
- employees of nursing homes, adult family homes, boarding homes, adult residential care facilities
- doctors
- nurses
- nurse’s aides and personal care aides; psychologists
- pharmacists

If you are on this list, **you must immediately** report to APS any time you have reasonable cause to believe someone has abused, neglected, abandoned, or exploited a vulnerable adult. You might also immediately have to report the incident to the cops. [RCW 74.34.035](#) has more info.

What do I tell APS?

APS needs to know:

- the vulnerable adult’s name and address
- the nature and extent of the suspected abuse, neglect, exploitation, or abandonment
- your name and address
- any other helpful info

APS keeps your identity confidential unless there is a court action OR you let them use your name. As long as you are making a report or testifying in good faith, you will not be liable for any damages resulting from the report.

What will APS do?

APS must investigate every report of abandonment, abuse, financial exploitation, neglect, or self-neglect. If APS finds the reported problem has taken place, it must offer the vulnerable adult appropriate info and protective services.

APS may coordinate with other social services and law enforcement to provide for and protect the adult. APS must also inform the adult of their right to refuse the services. If APS decides the adult is not competent to accept/refuse services, APS can file in court to have a guardian appointed.

Can I get a court order protecting the vulnerable adult?

Yes. The vulnerable adult OR an interested person on their behalf may file for a “Vulnerable Adult Protection Order” in the Superior Court of the county where the

vulnerable adult lives. The forms and instructions are [online](#):

<http://www.courts.wa.gov/forms/?fa=forms.contribute&formID=70>

If you do not have internet access, ask your court clerk where to get copies of the forms and instructions. They should provide these free. Ask if there is a courthouse facilitator to help fill out the forms.

-
- ❖ There is no filing fee for a vulnerable adult protection action.
-

After you file the petition, the vulnerable adult will have temporary protection for up to fourteen days, until there is a hearing. If you cannot have the abuser served in time with notice of the hearing, the judge can extend the fourteen days.

At the hearing, the parties can testify and submit evidence. The judge will decide whether to continue/change/dismiss the order. The judge can issue the order for up to five years.

The protection order can:

- keep the abuser from abusing/exploiting the vulnerable adult
- keep the abuser out of the vulnerable adult's home
- stop the abuser from contacting the vulnerable adult
- require the abuser to provide an accounting of their use of the

vulnerable adult's income/property/other resources

- stop the abuser from transferring any of the vulnerable adult's property for up to 90 days
- Order the abuser to pay the filing fee/court costs/service fees/attorney's fees/other costs of bringing the action

What if the abuser has Power of Attorney for the vulnerable adult?

You should have that power **revoked** (taken back) as soon as possible. Talk to a lawyer, or visit [Durable Power of Attorney Documents](#) at www.washingtonlawhelp.org. It has the form and instructions for revoking a power of attorney. It also explains how to do an optional new power of attorney.

-
- ❖ The form that revokes power of attorney is a **revocation**.
-

If the abuser's power of attorney included the power to sell real property (land, houses, and so on),

you must have the revocation notarized and recorded at the recording office in every county where the vulnerable adult owns real property. The revocation usually takes effect when you deliver it to the person holding the power of attorney.

You should have power of attorney revoked even if the court entered a protection order. You should also try to take the abuser's name off any jointly held accounts the vulnerable adult owns. You can usually close the account

and open a new one in the vulnerable adult's name only.

What about suing the abuser?

The vulnerable adult can sue the abuser for damages for injuries, pain and suffering; for the loss of money or property; and/or to ask for the return of money/property. Law enforcement may also pursue criminal charges against the abuser.

What if I need legal help?

- **Apply online with CLEAR*Online** - <https://nwjustice.org/get-legal-help>
or
- **Call CLEAR at 1-888-201-1014**

CLEAR is Washington's toll-free, centralized intake, advice and referral service for low-income people seeking free legal assistance with civil legal problems.

- **Outside King County:** Call 1-888-201-1014 weekdays from 9:15 a.m. until 12:15 p.m.
- **King County:** Call 211 for information and referral to an appropriate legal

services provider Monday through Friday from 8:00 am – 6:00 pm. You may also call (206) 461-3200, or the toll-free number, 1-877-211-WASH (9274). You can also get information on legal service providers in King County through 211's website at www.resourcehouse.com/win211/.

- **Persons 60 and Over:** Persons 60 or over may call CLEAR*Sr at 1-888-387-7111, regardless of income.

Deaf, hard of hearing or speech impaired callers can call CLEAR or 211 using the relay service of their choice.

211 and CLEAR will conference in interpreters when needed at no cost to callers.

Free legal education publications, videos and self-help packets covering many legal issues are available at

www.washingtonlawhelp.org.

This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice.

This information is current as of March 2017.

© 2017 Northwest Justice Project — 1-888-201-1014.

(Permission for copying and distribution granted to the Alliance for Equal Justice and to individuals for non-commercial purposes only.)