



Protecting elders and vulnerable adults from abuse and neglect

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- ❖ Read this *only* if you live in Washington State or are concerned about an older adult who lives here.
 - ❖ You can find all the fact sheets and Do It Yourself packets we link to here at WashingtonLawHelp.org.
 - ❖ If you or someone you know is the victim of a crime, you can get help with expenses related to the crime. Visit bit.ly/3rGgscu to learn more and to apply online.
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Part 1: Basics

Who is a “vulnerable adult?”

Washington State’s [Vulnerable Adult Protection Act, RCW 74.34](#), protects adults living in the state who are any of these:

- Age 60 or older who are unable to care for themselves **or**
- Has a guardian or conservator **or**
- Has a developmental disability **or**
- Lives in a care facility of any kind **or**
- Gets services at home from a provider

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- ❖ You can read the [Vulnerable Adult Protection Act \(RCW 74.34\)](#) at your local library or online at apps.leg.wa.gov/rcw/default.aspx?cite=74.34. If you go to the library, ask the librarian for help finding the RCW volumes.
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What is vulnerable adult abuse and neglect?

Abuse here means action (or inaction) that harms a vulnerable adult. This action or inaction is on purpose. The harm to the adult can be:

- sexual, mental, or physical abuse
- unreasonably being held somewhere against the vulnerable adult's will
- intimidation
- punishment
- exploitation or abandonment

Neglect happens when a person or agency with a duty to care for a vulnerable adult puts the adult's health, safety, or welfare at risk.

Part 2: Adult Protective Services

A vulnerable adult I know is being abused. Can I call someone?

Yes. You can call Adult Protective Services (APS), located in your local Department of Social and Health Services (DSHS) office.

Or you can call the statewide hotline at 1-866-363-4276 (1-866-End-Harm).

Do I *have* to report abuse?

Yes, if you are any of these:

- law enforcement
- social worker or social service, welfare, mental, or health agency worker
- employee of a care facility
- doctor, nurse, psychologist or pharmacist
- nurse's aide or personal care aide

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 it to law enforcement. Read [RCW 74.34.035](#) to learn more.

I want to make a report. Will APS give out my name?

Maybe not. APS keeps it confidential unless there is a court case **or** you let APS 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.

I made a report. What will APS do next?

APS must investigate. If APS finds the reported problem has taken place, it must offer the vulnerable adult appropriate information and services. This can include help from other social services and law enforcement. APS must tell the adult that the adult has the right to refuse services.

What happens if APS determines that the adult is not competent to accept or refuse services?

In that case, APS can ask a court to appoint a guardian for the adult. Read [Adult guardianship, conservatorship and other protective arrangements](#) to learn more.

Part 3: When the abuser has Power of Attorney

The abuser has Power of Attorney for the vulnerable adult. Is there a way to end this arrangement?

Yes. You can help the vulnerable adult take back (**revoke**) power of attorney as soon as possible. Talk to a lawyer, or use our [Durable Power of Attorney Documents](#) packet. It has the form and instructions for revoking power of attorney. It also explains how to do an optional new power of attorney. The revocation usually takes effect when you deliver it to the person holding the power of attorney.

We got a court order protecting the vulnerable adult from the abuser. Should we still revoke power of attorney?

Yes. This is still a good idea.

The power of attorney has been revoked. Do we need to take the abuser's name off the adult's bank accounts?

Yes. You should still try to take the abuser's name off any jointly held bank accounts the vulnerable adult owns. You can usually close the account and open a new one in the vulnerable adult's name only.

The abuser's power of attorney gives them the power to sell real property. Do we need to do something extra about this?

Yes. After the vulnerable adult has revoked power of attorney, you must have the revocation notarized and recorded at the recording office in every county where the vulnerable adult owns real property.

Part 4: Court Options

Can a court order protect the vulnerable adult?

Maybe. The vulnerable adult can file for a Protection Order, or someone can do it for the vulnerable adult. Read [Domestic Violence: Basics](#) to learn more. You can use our [File for a Protection Order](#) printable packet or our [interactive interview](#) at Washington Forms Online.

Can we sue the abuser?

Maybe. The vulnerable adult can sue for damages for injuries, pain, and suffering; for the loss of money or property; and/or to ask for the return of money or property.

Law enforcement may also charge the abuser with a crime.

Part 5: Other things you can do

Can I help support the vulnerable adult?

Yes. It depends on the person's situation. Read these to learn more:

- [Quick Facts: Alternatives to Guardianship](#)
- [Alternatives to Guardianship: Supported Decision Making Agreements \(SDM\)](#)
- [Durable Power of Attorney Documents](#)
- [Adult guardianship, conservatorship and other protective arrangements](#)

Get Legal Help

- **Apply online** with [CLEAR*Online](#) - nwjustice.org/apply-online
- **Facing a legal issue in King County** (other than Eviction or Foreclosure)? Call 2-1-1 (or toll-free 1-877-211-9274) weekdays 8:00 am - 6:00 pm. They will refer you to a legal aid provider.
- **Facing a legal issue outside of King County** (other than Eviction or Foreclosure)? Call the CLEAR Hotline at 1-888-201-1014 weekdays between 9:15 am - 12:15 pm or apply online at nwjustice.org/apply-online.
- **Facing Eviction?** Call 1-855-657-8387.
- **Facing Foreclosure?** Call 1-800-606-4819.
- **Seniors (age 60 and over)** with a legal issue outside of King County can also call CLEAR*Sr at 1-888-387-7111.

Deaf, hard of hearing or speech impaired callers can call any of these numbers using the relay service of your choice.

Interpreters provided.

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

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