

# Protecting elders and vulnerable adults from abuse and neglect

## **Author**

Northwest Justice Project

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Read about protections from abuse or neglect for elderly adults and adults with certain disabilities, including adults who have a guardian or conservator, and adults who live in a care facility or get care services at home.

If you or someone you know is the victim of a crime, you can get help with expenses related to the crime. [Learn more and apply online for crime victim benefits from the Department of Labor and Industries \(https://lni.wa.gov/claims/crime-victim-claims/apply-for-crime-victim-benefits\)](https://lni.wa.gov/claims/crime-victim-claims/apply-for-crime-victim-benefits).

## **Who is a “vulnerable adult?”**

Washington State’s Vulnerable Adult Protection Act (<http://apps.leg.wa.gov/rcw/default.aspx?cite=74.34>) protects an adult living in the state who is any of these:

- Age 60 or older and is 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

## **What is vulnerable adult abuse and neglect?**

**Vulnerable adult abuse** means purposely doing something that harms a vulnerable adult. An intentional failure to do something can also be abuse if not doing the thing harms a vulnerable adult. 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 responsibility to care for a vulnerable adult puts the adult's health, safety, or welfare at risk.

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

Yes. You can call Adult Protective Services (APS) (<https://www.dshs.wa.gov/altsa/adult-protective-services-aps>), located in your local Department of Social and Health Services (DSHS) office (<https://www.dshs.wa.gov/office-locations>). Or you can call the statewide hotline at 1-866-363-4276 (1-866-End-Harm).

If you're 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:

- 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

You might also immediately have to report it to law enforcement.

### **What happens when I make a report?**

You must give your name and contact info when making a report. APS will keep that information confidential unless there's a court case **or** you let APS use your name. If you make a report in good faith, you won't be liable for any damages resulting from the report.

APS must investigate the vulnerable adult's situation. If APS finds the reported abuse or neglect 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.

If APS decides the adult isn't competent to accept or refuse services, APS can ask a court to appoint a guardian for the adult.

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

You can take these steps:

1. Help the vulnerable adult take back (revoke) power of attorney as soon as possible.
2. Deliver the revocation to the person holding the power of attorney. This helps make sure that the revocation will take effect.
3. 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.
4. You must separately 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.
5. You should think about other court options for protecting the vulnerable adult.
6. You could appoint a new power of attorney. You don't have to, but it might be a good idea in this vulnerable adult's situation.

### **Could the court system help the vulnerable adult?**

Maybe. The vulnerable adult can file for a Protection Order, or someone can do it for the vulnerable adult.

You could also sue the abuser. The vulnerable adult can sue for damages for injuries, pain, and suffering; for the loss of money or property; or to ask for the return of money or property.

Law enforcement may also charge the abuser with a crime.

**WashingtonLawHelp.org** gives general information. It is not legal advice. Find organizations that provide free legal help on our Get legal help page.