

**Superior Court of Washington
For King County**

In re the Matter of:

a Vulnerable Adult (Person to be Protected)

Respondent (Person to be Restrained)

No. _____

**Petition for Vulnerable Adult
Order for Protection
(PTORVA)**

1. Identification of Petitioner:

My name is (please print)

_____.

- I am a vulnerable adult filing on my own behalf.
- I am filing on behalf of a vulnerable adult, and (select one of the options below):
 - I am the vulnerable adult's guardian or legal fiduciary.
 - I am an interested person as defined in RCW 74.34.020(12).
- DSHS petitions on behalf of the vulnerable adult who:
 - Has consented to this petition.
 - Lacks the capacity or ability to consent to this petition.

2. Respondent's relationship to the vulnerable adult is (check all that apply):

- Spouse or former spouse.
- Parent of a common child.
- Current or former cohabitant as intimate partner.
- Other Family Member (describe): _____.
- Care Provider.
- Guardian.
- Trustee.
- Payee.
- Power of Attorney.
- Other: _____.

3. The vulnerable adult (check all that apply):

- | | | |
|---|--|--|
| <ul style="list-style-type: none"> <input type="checkbox"/> Is over 60 years old and does not have the functional, mental, or physical ability to care for himself or herself. <input type="checkbox"/> Was found incapacitated under chapter 11.88 RCW. <input type="checkbox"/> Has a developmental disability as defined in RCW 71A.10.020. | <ul style="list-style-type: none"> <input type="checkbox"/> Self-directs his or her own care and receives services from a personal aide under RCW 74.39. <input type="checkbox"/> Is receiving services from a home health, hospice, or home care agency licensed or required to be licensed under RCW 70.127. | <ul style="list-style-type: none"> <input type="checkbox"/> Is receiving in-home services from an individual provider under contract with DSHS <input type="checkbox"/> Has been admitted to a boarding home, nursing home, adult family home, soldiers' home, residential habilitation center or any other facility licensed by DSHS. |
|---|--|--|

4. The vulnerable adult lives in this county. **Or** This is the county of the vulnerable adult's new or former residence and he or she left or was removed from his or her previous residence as a result of, or to prevent, abandonment, abuse, personal exploitation, improper use of restraints, neglect, or financial exploitation.

5. My address for receiving legal documents is:

_____.

(If you wish to keep your residential address **confidential**, you may list an alternate address.)

6. My relationship to the vulnerable adult and authority to act:

(If you are filing on your own behalf, or if you are filing as DSHS, go to paragraph 7.)

I am the vulnerable adult's guardian or limited guardian. I was appointed in _____ County, State of _____, Cause No: _____ on or about _____ (date). (Attach a copy of your letters or order appointing guardian, if available.)

On _____ (date) I imposed an emergency restriction on the vulnerable adult's right to associate with the respondent to protect the vulnerable adult.

I am the vulnerable adult's legal fiduciary. I was appointed trustee power of attorney on or about _____ (date). (Attach a copy of your relevant documents, if available.)

I am interested in the welfare of the vulnerable adult. I have a good faith belief that the court's intervention is necessary and that the vulnerable adult is unable at this time to protect his or her own interests, due to incapacity, undue influence, or duress.

Describe the length and nature of your relationship to the vulnerable adult: _____

_____.

Describe the incapacity, undue influence, or duress that makes the vulnerable adult unable to protect his or her own interests: _____

_____.

7. Do you know of any person who is or claims to be the guardian or legal fiduciary (such as, trustee, payee, power of attorney) of the vulnerable adult? no yes. If yes, provide name and address:

_____.

8. Other court cases or other restraining, protection or no-contact orders involving the petitioner, the vulnerable adult or the respondent:

Case Name	Case Number	Court/County

<p>I Request a Vulnerable Adult Protection Order that will grant the relief requested below:</p>
<p><input type="checkbox"/> ¹ Restrain the respondent from committing or threatening to commit physical harm, bodily injury, assault, including sexual assault, against the vulnerable adult and from molesting, harassing, or stalking the vulnerable adult.</p> <p>(If the court orders this relief after a hearing, and the respondent is the vulnerable adult's spouse or former spouse, the parent of a common child, a current or former cohabitant as intimate partner, the respondent will be prohibited from possessing a firearm or ammunition under federal law for the duration of this order. An exception exists for law enforcement officers and military personnel when carrying department/government-issued firearms. 18 U.S.C. § 925(a)(1).)</p>
<p><input type="checkbox"/> ² Restrain the respondent from committing or threatening to commit acts of abandonment, abuse, personal exploitation, improper use of restraints, neglect, or financial exploitation against the vulnerable adult.</p>
<p><input type="checkbox"/> ³ Exclude the respondent from the vulnerable adult's residence.</p>
<p><input type="checkbox"/> ⁴ Restrain the respondent from coming near and from having any contact with the vulnerable adult, in person or through others, by phone, mail, or any means, directly or indirectly, except through an attorney, or mailing or delivery by a third party of court documents.</p>
<p><input type="checkbox"/> ⁵ Prohibit the respondent from knowingly coming within, or knowingly remaining within _____ (distance) of the vulnerable adult's <input type="checkbox"/> residence <input type="checkbox"/> workplace <input type="checkbox"/> adult day program; <input type="checkbox"/> the premises of the long-term care facility where the vulnerable adult resides.</p> <p><input type="checkbox"/> other:</p>
<p><input type="checkbox"/> ⁶ Require the respondent to provide an accounting of the disposition of the vulnerable adult's income or other resources.</p>
<p><input type="checkbox"/> ⁷ Restrain the respondent from transferring the vulnerable adult's property for up to 90 Days.</p>
<p><input type="checkbox"/> ⁸ Restrain the respondent from transferring respondent's property for up to 90 Days.</p>
<p><input type="checkbox"/> ⁹ Require the respondent to pay a filing fee, the court costs, including service fees, and costs incurred in bringing this action, including attorney's fees.</p>

¹⁰ **Other:**

Request for a Temporary Vulnerable Adult Protection Order: *An Emergency Exists* as described in the statement below. The vulnerable adult needs a temporary protection order issued immediately, without prior notice to the respondent, that grants the relief requested above.

Request for Special Assistance From Law Enforcement Agencies:

I request the court order the appropriate law enforcement agency to assist the vulnerable adult in obtaining:

A **Vulnerable Adult protection order** is available to protect a vulnerable adult from abandonment, abuse, financial exploitation or neglect.

"Abandonment" means action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

"Abuse" means the willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. Abuse includes sexual abuse, mental abuse, physical abuse, and personal exploitation of a vulnerable adult, and improper use of restraints against a vulnerable adult, which have the following meanings:

(a) **"Sexual abuse"** means any form of nonconsensual sexual conduct, including but not limited to unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual abuse also includes any sexual conduct between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under RCW 71A.12, and a vulnerable adult living in that facility or receiving service from a program authorized under RCW 71A.12, whether or not it is consensual.

(b) **"Physical abuse"** means the willful action of inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to, striking with or without an object, slapping, pinching, choking, kicking, shoving, or prodding.

(c) **"Mental abuse"** means a willful verbal or nonverbal action that threatens, humiliates, harasses, coerces, intimidates, isolates, unreasonably confines, or punishes a vulnerable adult. Mental abuse may include ridiculing, yelling, or swearing.

"Isolate" or **"isolation"** means to restrict a vulnerable adult's ability to communicate, visit, interact, or otherwise associate with persons of his or her choosing. Isolation may be evidenced by acts including but not limited to:

(1) Acts that prevent a vulnerable adult from sending, making, or receiving his or her personal mail, electronic communications, or telephone calls; or

(2) Acts that prevent or obstruct the vulnerable adult from meeting with others, such as telling a prospective visitor or caller that a vulnerable adult is not present, or does not wish contact, where the statement is contrary to the express wishes of the vulnerable adult.

The term "isolate" or "isolation" may not be construed in a manner that prevents a guardian or limited guardian from performing his or her fiduciary obligations under RCW 11.92 or prevents a hospital or facility from providing treatment consistent with the standard of care for delivery of health services.

(d) "**Personal exploitation**" means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.

(e) "**Improper use of restraints**" means the inappropriate use of chemical, physical, or mechanical restraints for convenience or discipline or in a manner that: (i) is inconsistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under RCW 71A.12; (ii) is not medically authorized; or (iii) otherwise constitutes abuse under this section.

"**Chemical restraint**" means the administration of any drug to manage a vulnerable adult's behavior in a way that reduces the safety risk to the vulnerable adult or others, has the temporary effect of restricting the vulnerable adult's freedom of movement, and is not standard treatment for the vulnerable adult's medical or psychiatric condition.

"**Mechanical restraint**" means any device attached or adjacent to the vulnerable adult's body that he or she cannot easily remove that restricts freedom of movement or normal access to his or her body. "Mechanical restraint" does not include the use of devices, materials, or equipment that are (a) medically authorized, as required, and (b) used in a manner that is consistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under RCW 71A.12.

"**Physical restraint**" means the application of physical force without the use of any device, for the purpose of restraining the free movement of a vulnerable adult's body. "Physical restraint" does not include (a) briefly holding without undue force a vulnerable adult in order to calm or comfort him or her, or (b) holding a vulnerable adult's hand to safely escort him or her from one area to another.

"**Financial exploitation**" means the illegal or improper use, control over, or withholding of the property, income, resources, or trust funds of the vulnerable adult by any person or entity for any person's or entity's profit or advantage. "Financial exploitation" includes, but is not limited to:

(a) The use of deception, intimidation, or undue influence by a person or entity in a position of trust and confidence with a vulnerable adult to obtain or use the property, income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult;

(b) The breach of a fiduciary duty, including, but not limited to, the misuse of a power of attorney, trust, or a guardianship appointment, that results in the unauthorized appropriation, sale, or transfer of the property, income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult; or

(c) Obtaining or using a vulnerable adult's property, income, resources, or trust funds without lawful authority, by a person or entity who knows or clearly should know that the vulnerable adult lacks the capacity to consent to the release or use of his or her property, income, resources, or trust funds.

"**Neglect**" means (a) a pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain physical or mental health of a

Does the respondent own or possess weapons? Yes No Unknown

Does the respondent use firearms, weapons or objects to threaten or harm the vulnerable adult? Please describe:

Explain any additional reasons why this order should be issued immediately. List any immediate and irreparable injury, loss, or damage that would result to the vulnerable adult before the respondent or vulnerable adult can be served and heard:_____

Efforts to give notice: Did you make efforts to give notice of your request for temporary relief to respondent vulnerable adult? If so, describe how and when notice was given. If no notice was given, explain why not:

Other: _____

(Continue on separate page if necessary)

Personal service cannot be made upon Respondent within the state of Washington.

You could be required to post a bond or provide alternate security as a condition for obtaining a temporary order. The court may waive the bond in situations in which the vulnerable adult's health or life would be jeopardized. RCW 7.40.080, 74.34.120(5)(a).

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Dated _____ at _____, Washington.

Signature of Petitioner

Print Name