

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE HOUSE BILL 1008**

Chapter 312, Laws of 2007

60th Legislature  
2007 Regular Session

VULNERABLE ADULTS--PROTECTION

EFFECTIVE DATE: 07/22/07

Passed by the House April 17, 2007  
Yeas 98 Nays 0

FRANK CHOPP

\_\_\_\_\_  
**Speaker of the House of Representatives**

Passed by the Senate April 11, 2007  
Yeas 48 Nays 0

BRAD OWEN

\_\_\_\_\_  
**President of the Senate**

Approved May 3, 2007, 2:31 p.m.

CHRISTINE GREGOIRE

\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1008** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

\_\_\_\_\_  
**Chief Clerk**

FILED

May 7, 2007

**Secretary of State  
State of Washington**

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**ENGROSSED SUBSTITUTE HOUSE BILL 1008**

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AS AMENDED BY THE SENATE

Passed Legislature - 2007 Regular Session

**State of Washington                      60th Legislature                      2007 Regular Session**

**By** House Committee on Judiciary (originally sponsored by Representatives Moeller, Lovick, Kagi, Cody, Appleton, Conway, Morrell, Kenney, Simpson, B. Sullivan, Goodman and Lantz)

READ FIRST TIME 02/15/07.

1            AN ACT Relating to the protection of vulnerable adults; amending  
2 RCW 74.34.020, 74.34.067, 74.34.110, 74.34.120, 74.34.145, 74.34.150,  
3 and 74.34.210; reenacting and amending RCW 74.34.130; and adding new  
4 sections to chapter 74.34 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6            **Sec. 1.** RCW 74.34.020 and 2006 c 339 s 109 are each amended to  
7 read as follows:

8            Unless the context clearly requires otherwise, the definitions in  
9 this section apply throughout this chapter.

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

14           (2) "Abuse" means the willful action or inaction that inflicts  
15 injury, unreasonable confinement, intimidation, or punishment on a  
16 vulnerable adult. In instances of abuse of a vulnerable adult who is  
17 unable to express or demonstrate physical harm, pain, or mental  
18 anguish, the abuse is presumed to cause physical harm, pain, or mental

1 anguish. Abuse includes sexual abuse, mental abuse, physical abuse,  
2 and exploitation of a vulnerable adult, which have the following  
3 meanings:

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

13 (b) "Physical abuse" means the willful action of inflicting bodily  
14 injury or physical mistreatment. Physical abuse includes, but is not  
15 limited to, striking with or without an object, slapping, pinching,  
16 choking, kicking, shoving, prodding, or the use of chemical restraints  
17 or physical restraints unless the restraints are consistent with  
18 licensing requirements, and includes restraints that are otherwise  
19 being used inappropriately.

20 (c) "Mental abuse" means any willful action or inaction of mental  
21 or verbal abuse. Mental abuse includes, but is not limited to,  
22 coercion, harassment, inappropriately isolating a vulnerable adult from  
23 family, friends, or regular activity, and verbal assault that includes  
24 ridiculing, intimidating, yelling, or swearing.

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

30 (3) "Consent" means express written consent granted after the  
31 vulnerable adult or his or her legal representative has been fully  
32 informed of the nature of the services to be offered and that the  
33 receipt of services is voluntary.

34 (4) "Department" means the department of social and health  
35 services.

36 (5) "Facility" means a residence licensed or required to be  
37 licensed under chapter 18.20 RCW, boarding homes; chapter 18.51 RCW,

1 nursing homes; chapter 70.128 RCW, adult family homes; chapter 72.36  
2 RCW, soldiers' homes; or chapter 71A.20 RCW, residential habilitation  
3 centers; or any other facility licensed by the department.

4 (6) "Financial exploitation" means the illegal or improper use of  
5 the property, income, resources, or trust funds of the vulnerable adult  
6 by any person for any person's profit or advantage other than for the  
7 vulnerable adult's profit or advantage.

8 (7) "Incapacitated person" means a person who is at a significant  
9 risk of personal or financial harm under RCW 11.88.010(1) (a), (b),  
10 (c), or (d).

11 (8) "Individual provider" means a person under contract with the  
12 department to provide services in the home under chapter 74.09 or  
13 74.39A RCW.

14 (~~(+8)~~) (9) "Interested person" means a person who demonstrates to  
15 the court's satisfaction that the person is interested in the welfare  
16 of the vulnerable adult, that the person has a good faith belief that  
17 the court's intervention is necessary, and that the vulnerable adult is  
18 unable, due to incapacity, undue influence, or duress at the time the  
19 petition is filed, to protect his or her own interests.

20 (10) "Mandated reporter" is an employee of the department; law  
21 enforcement officer; social worker; professional school personnel;  
22 individual provider; an employee of a facility; an operator of a  
23 facility; an employee of a social service, welfare, mental health,  
24 adult day health, adult day care, home health, home care, or hospice  
25 agency; county coroner or medical examiner; Christian Science  
26 practitioner; or health care provider subject to chapter 18.130 RCW.

27 (~~(+9)~~) (11) "Neglect" means (a) a pattern of conduct or inaction  
28 by a person or entity with a duty of care that fails to provide the  
29 goods and services that maintain physical or mental health of a  
30 vulnerable adult, or that fails to avoid or prevent physical or mental  
31 harm or pain to a vulnerable adult; or (b) an act or omission that  
32 demonstrates a serious disregard of consequences of such a magnitude as  
33 to constitute a clear and present danger to the vulnerable adult's  
34 health, welfare, or safety, including but not limited to conduct  
35 prohibited under RCW 9A.42.100.

36 (~~(+10)~~) (12) "Permissive reporter" means any person, including,  
37 but not limited to, an employee of a financial institution, attorney,

1 or volunteer in a facility or program providing services for vulnerable  
2 adults.

3 ~~((+11+))~~ (13) "Protective services" means any services provided by  
4 the department to a vulnerable adult with the consent of the vulnerable  
5 adult, or the legal representative of the vulnerable adult, who has  
6 been abandoned, abused, financially exploited, neglected, or in a state  
7 of self-neglect. These services may include, but are not limited to  
8 case management, social casework, home care, placement, arranging for  
9 medical evaluations, psychological evaluations, day care, or referral  
10 for legal assistance.

11 ~~((+12+))~~ (14) "Self-neglect" means the failure of a vulnerable  
12 adult, not living in a facility, to provide for himself or herself the  
13 goods and services necessary for the vulnerable adult's physical or  
14 mental health, and the absence of which impairs or threatens the  
15 vulnerable adult's well-being. This definition may include a  
16 vulnerable adult who is receiving services through home health,  
17 hospice, or a home care agency, or an individual provider when the  
18 neglect is not a result of inaction by that agency or individual  
19 provider.

20 ~~((+13+))~~ (15) "Vulnerable adult" includes a person:  
21 (a) Sixty years of age or older who has the functional, mental, or  
22 physical inability to care for himself or herself; or  
23 (b) Found incapacitated under chapter 11.88 RCW; or  
24 (c) Who has a developmental disability as defined under RCW  
25 71A.10.020; or  
26 (d) Admitted to any facility; or  
27 (e) Receiving services from home health, hospice, or home care  
28 agencies licensed or required to be licensed under chapter 70.127 RCW;  
29 or  
30 (f) Receiving services from an individual provider.

31 **Sec. 2.** RCW 74.34.067 and 1999 c 176 s 9 are each amended to read  
32 as follows:

33 (1) Where appropriate, an investigation by the department may  
34 include a private interview with the vulnerable adult regarding the  
35 alleged abandonment, abuse, financial exploitation, neglect, or self-  
36 neglect.

1 (2) In conducting the investigation, the department shall interview  
2 the complainant, unless anonymous, and shall use its best efforts to  
3 interview the vulnerable adult or adults harmed, and, consistent with  
4 the protection of the vulnerable adult shall interview facility staff,  
5 any available independent sources of relevant information, including if  
6 appropriate the family members of the vulnerable adult.

7 (3) The department may conduct ongoing case planning and  
8 consultation with: (a) Those persons or agencies required to report  
9 under this chapter or submit a report under this chapter; (b)  
10 consultants designated by the department; and (c) designated  
11 representatives of Washington Indian tribes if client information  
12 exchanged is pertinent to cases under investigation or the provision of  
13 protective services. Information considered privileged by statute and  
14 not directly related to reports required by this chapter must not be  
15 divulged without a valid written waiver of the privilege.

16 (4) The department shall prepare and keep on file a report of each  
17 investigation conducted by the department for a period of time in  
18 accordance with policies established by the department.

19 (5) If the department (~~determines~~) has reason to believe that the  
20 vulnerable adult has suffered from abuse, neglect, self-neglect,  
21 abandonment, or financial exploitation, and lacks the ability or  
22 capacity to consent, and needs the protection of a guardian, the  
23 department may bring a guardianship action under chapter 11.88 RCW (~~as~~  
24 ~~an interested person~~)).

25 (6) When the investigation is completed and the department  
26 determines that an incident of abandonment, abuse, financial  
27 exploitation, neglect, or self-neglect has occurred, the department  
28 shall inform the vulnerable adult of their right to refuse protective  
29 services, and ensure that, if necessary, appropriate protective  
30 services are provided to the vulnerable adult, with the consent of the  
31 vulnerable adult. The vulnerable adult has the right to withdraw or  
32 refuse protective services.

33 (7) The department may photograph a vulnerable adult or their  
34 environment for the purpose of providing documentary evidence of the  
35 physical condition of the vulnerable adult or his or her environment.  
36 When photographing the vulnerable adult, the department shall obtain  
37 permission from the vulnerable adult or his or her legal representative  
38 unless immediate photographing is necessary to preserve evidence.

1 However, if the legal representative is alleged to have abused,  
2 neglected, abandoned, or exploited the vulnerable adult, consent from  
3 the legal representative is not necessary. No such consent is  
4 necessary when photographing the physical environment.

5 (8) When the investigation is complete and the department  
6 determines that the incident of abandonment, abuse, financial  
7 exploitation, or neglect has occurred, the department shall inform the  
8 facility in which the incident occurred, consistent with  
9 confidentiality requirements concerning the vulnerable adult,  
10 witnesses, and complainants.

11 **Sec. 3.** RCW 74.34.110 and 1999 c 176 s 12 are each amended to read  
12 as follows:

13 An action known as a petition for an order for protection of a  
14 vulnerable adult in cases of abandonment, abuse, financial  
15 exploitation, or neglect is created.

16 (1) A vulnerable adult, or interested person on behalf of the  
17 vulnerable adult, may seek relief from abandonment, abuse, financial  
18 exploitation, or neglect, or the threat thereof, by filing a petition  
19 for an order for protection in superior court.

20 (2) A petition shall allege that the petitioner, or person on whose  
21 behalf the petition is brought, is a vulnerable adult and that the  
22 petitioner, or person on whose behalf the petition is brought, has been  
23 abandoned, abused, financially exploited, or neglected, or is  
24 threatened with abandonment, abuse, financial exploitation, or neglect  
25 by respondent.

26 (3) A petition shall be accompanied by affidavit made under oath,  
27 or a declaration signed under penalty of perjury, stating the specific  
28 facts and circumstances which demonstrate the need for the relief  
29 sought. If the petition is filed by an interested person, the  
30 affidavit or declaration must also include a statement of why the  
31 petitioner qualifies as an interested person.

32 (4) A petition for an order may be made whether or not there is a  
33 pending lawsuit, complaint, petition, or other action (~~between the~~  
34 ~~parties~~) pending that relates to the issues presented in the petition  
35 for an order for protection.

36 (5) Within ninety days of receipt of the master copy from the

1 administrative office of the courts, all court clerk's offices shall  
2 make available the standardized forms and instructions required by  
3 section 4 of this act.

4 (6) Any assistance or information provided by any person,  
5 including, but not limited to, court clerks, employees of the  
6 department, and other court facilitators, to another to complete the  
7 forms provided by the court in subsection (5) of this section does not  
8 constitute the practice of law.

9 (7) A petitioner is not required to post bond to obtain relief in  
10 any proceeding under this section.

11 ~~((6))~~ (8) An action under this section shall be filed in the  
12 county where the ((petitioner)) vulnerable adult resides; except that  
13 if the ((petitioner)) vulnerable adult has left or been removed from  
14 the residence as a result of abandonment, abuse, financial  
15 exploitation, or neglect, or in order to avoid abandonment, abuse,  
16 financial exploitation, or neglect, the petitioner may bring an action  
17 in the county of either the vulnerable adult's previous or new  
18 residence.

19 ~~((7) The filing fee for the petition may be waived at the~~  
20 ~~discretion of the court.))~~

21 (9) No filing fee may be charged to the petitioner for proceedings  
22 under this section. Standard forms and written instructions shall be  
23 provided free of charge.

24 NEW SECTION. Sec. 4. A new section is added to chapter 74.34 RCW  
25 to read as follows:

26 (1) The administrative office of the courts shall develop and  
27 prepare standard petition, temporary order for protection, and  
28 permanent order for protection forms, a standard notice form to provide  
29 notice to the vulnerable adult if the vulnerable adult is not the  
30 petitioner, instructions, and a court staff handbook on the protection  
31 order process. The standard petition and order for protection forms  
32 must be used after October 1, 2007, for all petitions filed and orders  
33 issued under this chapter. The administrative office of the courts, in  
34 preparing the instructions, forms, notice, and handbook, may consult  
35 with attorneys from the elder law section of the Washington state bar  
36 association, judges, the department, the Washington protection and  
37 advocacy system, and law enforcement personnel.



1 (a) The instructions shall be designed to assist petitioners in  
2 completing the petition, and shall include a sample of the standard  
3 petition and order for protection forms.

4 (b) The order for protection form shall include, in a conspicuous  
5 location, notice of criminal penalties resulting from violation of the  
6 order.

7 (c) The standard notice form shall be designed to explain to the  
8 vulnerable adult in clear, plain language the purpose and nature of the  
9 petition and that the vulnerable adult has the right to participate in  
10 the hearing and to either support or object to the petition.

11 (2) The administrative office of the courts shall distribute a  
12 master copy of the standard forms, instructions, and court staff  
13 handbook to all court clerks and shall distribute a master copy of the  
14 standard forms to all superior, district, and municipal courts.

15 (3) The administrative office of the courts shall determine the  
16 significant non-English-speaking or limited-English-speaking  
17 populations in the state. The administrator shall then arrange for  
18 translation of the instructions required by this section, which shall  
19 contain a sample of the standard forms, into the languages spoken by  
20 those significant non-English-speaking populations, and shall  
21 distribute a master copy of the translated instructions to all court  
22 clerks by December 31, 2007.

23 (4) The administrative office of the courts shall update the  
24 instructions, standard forms, and court staff handbook when changes in  
25 the law make an update necessary. The updates may be made in  
26 consultation with the persons and entities specified in subsection (1)  
27 of this section.

28 (5) For purposes of this section, "court clerks" means court  
29 administrators in courts of limited jurisdiction and elected court  
30 clerks.

31 **Sec. 5.** RCW 74.34.120 and 1986 c 187 s 6 are each amended to read  
32 as follows:

33 (1) The court shall order a hearing on a petition under RCW  
34 74.34.110 not later than fourteen days from the date of filing the  
35 petition.

36 (2) Personal service shall be made upon the respondent not less

1 than ~~((five))~~ six court days before the hearing. When good faith  
2 attempts to personally serve the respondent have been unsuccessful, the  
3 court shall permit service by mail or by publication.

4 (3) When a petition under RCW 74.34.110 is filed by someone other  
5 than the vulnerable adult, notice of the petition and hearing must be  
6 personally served upon the vulnerable adult not less than six court  
7 days before the hearing. In addition to copies of all pleadings filed  
8 by the petitioner, the petitioner shall provide a written notice to the  
9 vulnerable adult using the standard notice form developed under section  
10 4 of this act. When good faith attempts to personally serve the  
11 vulnerable adult have been unsuccessful, the court shall permit service  
12 by mail, or by publication if the court determines that personal  
13 service and service by mail cannot be obtained.

14 (4) If timely service under subsections (2) and (3) of this section  
15 cannot be made, the court ~~((may set a new hearing date))~~ shall continue  
16 the hearing date until the substitute service approved by the court has  
17 been satisfied.

18 (5)(a) A petitioner may move for temporary relief under chapter  
19 7.40 RCW. The court may continue any temporary order for protection  
20 granted under chapter 7.40 RCW until the hearing on a petition under  
21 RCW 74.34.110 is held.

22 (b) Written notice of the request for temporary relief must be  
23 provided to the respondent, and to the vulnerable adult if someone  
24 other than the vulnerable adult filed the petition. A temporary  
25 protection order may be granted without written notice to the  
26 respondent and vulnerable adult if it clearly appears from specific  
27 facts shown by affidavit or declaration that immediate and irreparable  
28 injury, loss, or damage would result to the vulnerable adult before the  
29 respondent and vulnerable adult can be served and heard, or that show  
30 the respondent and vulnerable adult cannot be served with notice, the  
31 efforts made to serve them, and the reasons why prior notice should not  
32 be required.

33 **Sec. 6.** RCW 74.34.130 and 2000 c 119 s 27 and 2000 c 51 s 2 are  
34 each reenacted and amended to read as follows:

35 The court may order relief as it deems necessary for the protection  
36 of the ~~((petitioner))~~ vulnerable adult, including, but not limited to  
37 the following:

1 (1) Restraining respondent from committing acts of abandonment,  
2 abuse, neglect, or financial exploitation against the vulnerable adult;

3 (2) Excluding the respondent from ((petitioner's)) the vulnerable  
4 adult's residence for a specified period or until further order of the  
5 court;

6 (3) Prohibiting contact with the vulnerable adult by respondent for  
7 a specified period or until further order of the court;

8 (4) Prohibiting the respondent from knowingly coming within, or  
9 knowingly remaining within, a specified distance from a specified  
10 location;

11 (5) Requiring an accounting by respondent of the disposition of  
12 ((petitioner's)) the vulnerable adult's income or other resources;

13 (6) Restraining the transfer of the respondent's and/or vulnerable  
14 adult's property for a specified period not exceeding ninety days; and

15 (7) Requiring the respondent to pay ((the)) a filing fee and court  
16 costs, including service fees, and to reimburse the petitioner for  
17 costs incurred in bringing the action, including a reasonable  
18 attorney's fee.

19 Any relief granted by an order for protection, other than a  
20 judgment for costs, shall be for a fixed period not to exceed ((~~one~~  
21 ~~year~~)) five years. The clerk of the court shall enter any order for  
22 protection issued under this section into the judicial information  
23 system.

24 **Sec. 7.** RCW 74.34.145 and 2000 c 119 s 2 are each amended to read  
25 as follows:

26 (1) An order for protection of a vulnerable adult issued under this  
27 chapter which restrains the respondent or another person from  
28 committing acts of abuse, prohibits contact with the ((petitioner))  
29 vulnerable adult, excludes the person from any specified location, or  
30 prohibits the person from coming within a specified distance from a  
31 location, shall prominently bear on the front page of the order the  
32 legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A  
33 CRIMINAL OFFENSE UNDER CHAPTER 26.50 RCW AND WILL SUBJECT A VIOLATOR TO  
34 ARREST.

35 (2) Whenever an order for protection of a vulnerable adult is  
36 issued under this chapter, and the respondent or person to be  
37 restrained knows of the order, a violation of a provision restraining

1 the person from committing acts of abuse, prohibiting contact with the  
2 ((petitioner)) vulnerable adult, excluding the person from any  
3 specified location, or prohibiting the person from coming within a  
4 specified distance of a location, shall be punishable under RCW  
5 26.50.110, regardless of whether the person is a family or household  
6 member as defined in RCW 26.50.010.

7 **Sec. 8.** RCW 74.34.150 and 1986 c 187 s 9 are each amended to read  
8 as follows:

9 The department of social and health services, in its discretion,  
10 may seek relief under RCW 74.34.110 through 74.34.140 on behalf of and  
11 with the consent of any vulnerable adult. When the department has  
12 reason to believe a vulnerable adult lacks the ability or capacity to  
13 consent, the department, in its discretion, may seek relief under RCW  
14 74.34.110 through 74.34.140 on behalf of the vulnerable adult. Neither  
15 the department of social and health services nor the state of  
16 Washington shall be liable for ((failure)) seeking or failing to seek  
17 relief on behalf of any persons under this section.

18 NEW SECTION. **Sec. 9.** A new section is added to chapter 74.34 RCW  
19 to read as follows:

20 (1) When a petition for protection under RCW 74.34.110 is filed by  
21 someone other than the vulnerable adult or the vulnerable adult's full  
22 guardian over either the person or the estate, or both, and the  
23 vulnerable adult for whom protection is sought advises the court at the  
24 hearing that he or she does not want all or part of the protection  
25 sought in the petition, then the court may dismiss the petition or the  
26 provisions that the vulnerable adult objects to and any protection  
27 order issued under RCW 74.34.120 or 74.34.130, or the court may take  
28 additional testimony or evidence, or order additional evidentiary  
29 hearings to determine whether the vulnerable adult is unable, due to  
30 incapacity, undue influence, or duress, to protect his or her person or  
31 estate in connection with the issues raised in the petition or order.  
32 If an additional evidentiary hearing is ordered and the court  
33 determines that there is reason to believe that there is a genuine  
34 issue about whether the vulnerable adult is unable to protect his or  
35 her person or estate in connection with the issues raised in the

1 petition or order, the court may issue a temporary order for protection  
2 of the vulnerable adult pending a decision after the evidentiary  
3 hearing.

4 (2) An evidentiary hearing on the issue of whether the vulnerable  
5 adult is unable, due to incapacity, undue influence, or duress, to  
6 protect his or her person or estate in connection with the issues  
7 raised in the petition or order, shall be held within fourteen days of  
8 entry of the temporary order for protection under subsection (1) of  
9 this section. If the court did not enter a temporary order for  
10 protection, the evidentiary hearing shall be held within fourteen days  
11 of the prior hearing on the petition. Notice of the time and place of  
12 the evidentiary hearing shall be personally served upon the vulnerable  
13 adult and the respondent not less than six court days before the  
14 hearing. When good faith attempts to personally serve the vulnerable  
15 adult and the respondent have been unsuccessful, the court shall permit  
16 service by mail, or by publication if the court determines that  
17 personal service and service by mail cannot be obtained. If timely  
18 service cannot be made, the court may set a new hearing date. A  
19 hearing under this subsection is not necessary if the vulnerable adult  
20 has been determined to be fully incapacitated over either the person or  
21 the estate, or both, under the guardianship laws, chapter 11.88 RCW.  
22 If a hearing is scheduled under this subsection, the protection order  
23 shall remain in effect pending the court's decision at the subsequent  
24 hearing.

25 (3) At the hearing scheduled by the court, the court shall give the  
26 vulnerable adult, the respondent, the petitioner, and in the court's  
27 discretion other interested persons, the opportunity to testify and  
28 submit relevant evidence.

29 (4) If the court determines that the vulnerable adult is capable of  
30 protecting his or her person or estate in connection with the issues  
31 raised in the petition, and the individual continues to object to the  
32 protection order, the court shall dismiss the order or may modify the  
33 order if agreed to by the vulnerable adult. If the court determines  
34 that the vulnerable adult is not capable of protecting his or her  
35 person or estate in connection with the issues raised in the petition  
36 or order, and that the individual continues to need protection, the  
37 court shall order relief consistent with RCW 74.34.130 as it deems  
38 necessary for the protection of the vulnerable adult. In the entry of

1 any order that is inconsistent with the expressed wishes of the  
2 vulnerable adult, the court's order shall be governed by the  
3 legislative findings contained in RCW 74.34.005.

4 NEW SECTION. **Sec. 10.** A new section is added to chapter 74.34 RCW  
5 to read as follows:

6 Any vulnerable adult who has not been adjudicated fully  
7 incapacitated under chapter 11.88 RCW, or the vulnerable adult's  
8 guardian, at any time subsequent to entry of a permanent protection  
9 order under this chapter, may apply to the court for an order to modify  
10 or vacate the order. In a hearing on an application to dismiss or  
11 modify the protection order, the court shall grant such relief  
12 consistent with RCW 74.34.110 as it deems necessary for the protection  
13 of the vulnerable adult, including dismissal or modification of the  
14 protection order.

15 **Sec. 11.** RCW 74.34.210 and 1995 1st sp.s. c 18 s 86 are each  
16 amended to read as follows:

17 A petition for an order for protection (~~((or))~~) may be brought by the  
18 vulnerable adult, the vulnerable adult's guardian or legal fiduciary,  
19 the department, or any interested person as defined in RCW 74.34.020.  
20 An action for damages under this chapter may be brought by the  
21 ((plaintiff)) vulnerable adult, or where necessary, by his or her  
22 family members and/or guardian or legal fiduciary(~~((, or as otherwise~~  
23 provided under this chapter)). The death of the ((plaintiff))  
24 vulnerable adult shall not deprive the court of jurisdiction over a  
25 petition or claim brought under this chapter. Upon petition, after the  
26 death of the vulnerable ((person)) adult, the right to initiate or  
27 maintain the action shall be transferred to the executor or  
28 administrator of the deceased, for recovery of all damages for the  
29 benefit of the ((surviving spouse, child or children, or other heirs))  
30 deceased person's beneficiaries set forth in chapter 4.20 RCW or if  
31 there are no beneficiaries, then for recovery of all economic losses  
32 sustained by the deceased person's estate.

Passed by the House April 17, 2007.

Passed by the Senate April 11, 2007.

Approved by the Governor May 3, 2007.

Filed in Office of Secretary of State May 7, 2007.