

HOUSE BILL REPORT

SSB 6403

As Reported by House Committee On: Judiciary

Title: An act relating to removing financial barriers to persons seeking vulnerable adult protection orders.

Brief Description: Removing financial barriers to persons seeking vulnerable adult protection orders.

Sponsors: Senate Committee on Health & Long-Term Care (originally sponsored by Senator Regala).

Brief History:

Committee Activity:

Judiciary: 2/16/12, 2/20/12 [DPA].

Brief Summary of Substitute Bill (As Amended by Committee)

- Prohibits public agencies from charging a fee for filing or service of vulnerable adult protection orders, and requires provision of certified copies to the petitioner at no cost.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended. Signed by 12 members: Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Chandler, Hansen, Kirby, Klippert, Nealey, Orwall, Rivers and Roberts.

Staff: Omeara Harrington (786-7136).

Background:

A vulnerable adult may seek a civil protection order for relief from another person's abandonment, abuse, financial exploitation, neglect, or the threat thereof. Under statute, a person qualifies as a vulnerable adult if the person:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- is 60 years of age or older and has the functional, mental, or physical inability to care for himself or herself;
- is found to be incapacitated under the guardianship statutes (meaning the individual is at a significant risk of personal harm based upon a demonstrated inability to adequately provide for nutrition, health, housing, or physical safety);
- has a developmental disability;
- is admitted to a boarding home, nursing home, adult family home, soldiers' home, a residential habilitation center, or any other facility licensed by the Department of Social and Health Services (DSHS);
- is receiving services from home health, hospice, home care agency, or an individual provider; or
- self-directs his or her own care but receives services from a DSHS-contracted personal aide.

Petitions must be filed in the superior court of the county in which the vulnerable adult resides, and may be brought by the vulnerable adult, an interested person on behalf of the vulnerable adult, or the DSHS. Petitions must be accompanied by an affidavit made under oath, or a declaration signed under penalty of perjury, stating specific facts and circumstances which demonstrate the need for the relief sought. Upon a hearing, the court may enter a protection order, which will last for a fixed period of time, not to exceed five years.

No bond or filing fee may be charged to the petitioner for proceedings under this section. Standard forms and written instructions must be provided free of charge.

Summary of Amended Bill:

Public agencies may not charge a filing fee or a fee for service of process to petitioners seeking relief through a vulnerable adult protection order. Petitioners must additionally be provided the necessary number of certified copies at no cost.

Amended Bill Compared to Substitute Bill:

Additional language is added to the provision allowing the court to enlist the assistance of a peace officer in executing the order to reiterate that no fee may be charged for service of process or provision of the necessary number of certified copies.

Appropriation: None.

Fiscal Note: Requested on February 20, 2012.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill is the result of a constituent request. Sheriffs are interested in helping people get these orders without financial barriers. These filings are rare and Pierce County has provided an estimate that this legislation will cost that county less than \$500 per year.

(Opposed) None.

Persons Testifying: James McMahan, Washington Association of County Officials.

Persons Signed In To Testify But Not Testifying: None.