

SENATE BILL REPORT

SSB 5889

As Passed Senate, March 13, 1995

Title: An act relating to civil remedies for abuse, abandonment, neglect, and exploitation of frail elderly and vulnerable adults.

Brief Description: Enacting the frail elderly and vulnerable adult civil protection act.

Sponsors: Senate Committee on Health & Long-Term Care (originally sponsored by Senators Fairley and Kohl).

Brief History:

Committee Activity: Health & Long-Term Care: 2/24/95, 2/28/95 [DPS].
Passed Senate, 3/13/95, 44-0.

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: That Substitute Senate Bill No. 5889 be substituted therefor, and the substitute bill do pass.

Signed by Senators Quigley, Chair; Wojahn, Vice Chair; C. Anderson, Fairley, Franklin, Winsley and Wood.

Staff: Joanne Conrad (786-7472)

Background: Concern exists that frail elders and vulnerable adults without the ability to care for themselves may not have effective access to judicial protection. Barriers to obtaining appropriate legal counsel include poverty and legal costs. Giving this population a statutory cause of action, with the possibility of increased damage awards, attorney's fees, costs, and survival of action, may increase the likelihood of obtaining counsel and legal remedy for abuse and other maltreatment.

Summary of Bill: Legislative intent to provide frail elders and vulnerable adults with the protection of the courts is stated.

Frail elders and vulnerable adults who are abused, neglected, exploited or abandoned (as defined), while residing in certain licensed care facilities or receiving other licensed care, have a cause of action for damages, including injuries, pain and suffering and loss of property. If they prevail in the legal action, they are awarded actual damages (money), costs of the suit (including fees for guardians ad litem and expert witnesses), and reasonable attorney's fees. The court may order treble damages, or increase the award to \$10,000, whichever is less. The right of action can survive the plaintiff, for the benefit of the surviving spouse, children, or heirs.

Appropriation: None.

Fiscal Note: Requested on February 17, 1995.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill is needed to address abuses of persons unable to care for themselves. It will increase access to legal remedies in a realistic manner.

Testimony Against: None.

Testified: Senator Fairley, prime sponsor; Kathy Swanson, Citizens for Improving Nursing Homes; Jeff Crollard, Evergreen Legal Services; Irene Robbins, Senior Lobby, David Vannest.