



IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON IN AND FOR THE COUNTY OF KITSAP

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.
- ☐ 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):

- | | | |
|---|---|---|
| <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"/> Is receiving services from a compensated personal aide who provides at-home care for the vulnerable adult at his or her direction. | <input type="checkbox"/> Is receiving in-home services from an individual provider under contract with DSHS |
| <input type="checkbox"/> Was found incapacitated under chapter 11.88 RCW. | <input type="checkbox"/> Is receiving services from a home health, hospice, or home care agency licensed or required to be licensed. | <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. |
| <input type="checkbox"/> Has a developmental disability as defined in RCW 71A.10.020. | | |

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, financial exploitation or neglect.

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. 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.)

☐ 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. 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

I Request a Vulnerable Adult Protection Order that will grant the relief requested below:
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☐ 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.

(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).)

☐ ² **Restrain** the respondent from committing or threatening to commit acts of abandonment, abuse, exploitation, neglect, or financial exploitation against the vulnerable adult.

☐ ³ **Exclude** the respondent from the vulnerable adult's residence.

☐ 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.

☐ ⁵ **Prohibit** the respondent from knowingly coming within, or knowingly remaining within **500 ft.** of the vulnerable adult's ☐ residence ☐ workplace ☐ adult day program; ☐ the premises of the long-term care facility where the vulnerable adult resides.
☐ other:

☐ ⁶ **Require** the respondent to provide an accounting of the disposition of the vulnerable adult's income or other resources.

☐ ⁷ **Restrain** the respondent from transferring the vulnerable adult's property for up to 90 Days.

☐ ⁸ **Restrain** the respondent from transferring respondent's property for up to 90 Days.

☐ 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.

☐ 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 exploitation of a vulnerable adult, which have the following meanings:

(a) **"Sexual abuse"** means any form of nonconsensual sexual contact, including but not limited to unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual abuse includes any sexual contact between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under chapter 71A.12 RCW, and a vulnerable adult living in that facility or receiving service from a program authorized under chapter 71A.12 RCW, 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, prodding, or the use of chemical restraints or physical restraints unless the restraints are consistent with licensing requirements, and includes restraints that are otherwise being used inappropriately.

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

(d) **"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.

"Financial exploitation" means the illegal or improper use of the property, income, resources, or trust funds of the vulnerable adult by any person for any person's profit or advantage.

"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 vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or (b) an act or omission that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100.

Statement: The respondent has committed or threatened to commit acts of abandonment, sexual abuse, mental abuse, physical abuse, exploitation, neglect, and/or financial exploitation as follows.

Describe the most recent incidents or threats of abandonment, sexual abuse, mental abuse, physical abuse, exploitation, neglect, and/or financial exploitation and date (**describe specific incidents or threats and the approximate dates**):

Describe past threats or incidents of abandonment, sexual abuse, mental abuse, physical abuse, exploitation, neglect, and/or financial exploitation (**describe specific incidents or threats and their approximate dates**):

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