



COMMUNITY SAFETY:

PROTECTING VULNERABLE ADULTS

LEGISLATION:

HB 2426/SB 6202

The proposed legislation includes a number of measures designed to increase penalties imposed on individuals who commit crimes against vulnerable adults. It would:

- Add sentencing enhancements to the standard ranges for crimes against victims who are “vulnerable adults” as defined in the Abuse of Vulnerable Adults Act (Chapter 74.34 RCW): They include those who are:
 - (a) 60 or older who are unable to care for themselves due to mental, physical or functional disability;
 - (b) developmentally disabled;
 - (c) residing in long-term care facilities;
 - (d) receiving in-home services; or
 - (e) incapacitated under guardianship law.

The sentence enhancements are five years for a class A felony or with a statutory maximum sentence of at least 20 years, or both; three years for a class B felony or with a statutory maximum sentence of 10 years, or both; and 18 months for a class C felony or with a statutory maximum sentence of five years, or both.

- Require all employees of financial institutions who have direct contact with the public to receive training on recognizing and reporting attempted or actual financial exploitation of vulnerable adults.
- Permit financial institutions to report attempted or actual financial exploitation of vulnerable adults to law enforcement and prosecutors, as well as DSHS.
- Formally authorize financial institutions the ability to “freeze” a transaction for up to three business days if financial exploitation or attempted financial exploitation is suspected.
- Require that mandated reporters of vulnerable adult abuse report the death of a vulnerable adult to the medical examiner or coroner as quickly as possible, when the circumstances indicate that death was either caused by or suspected to be caused by abuse, neglect or abandonment. The mandated reporter shall also report the death to the law enforcement agency having jurisdiction and to DSHS.

THE PROBLEM:

- A Federal Way man is charged with draining his 93-year-old mother’s savings. He goes on a spending spree while she is evicted from her nursing home.
- Two women enter a Seattle-area bank and ask to cash out a 78-year-old customer’s bank account. One presents a marriage license, freshly signed by herself and the dementia-suffering senior, who stands by appearing noticeably confused.
- An elderly woman’s “new friend” mortgages her paid-off home and liquidates her \$2 million in assets, sending her into bankruptcy.

These incidents, and others like them, occur with increasing frequency here and around the country.

- In 2007, DSHS’s Adult Protective Services (APS) received more than 13,000 reports of possible abuse, abandonment, neglect, self-neglect and financial exploitation.
- DSHS’s Residential Care Services (RCS) received more than 29,000 similar reports, as well as concerns about the quality of life or quality of care being provided in licensed and certified long-term care settings.

On January 1, 2006, baby boomers began turning 60 at the rate of one boomer every 7.5 seconds. As they age, the number of individuals vulnerable to abuse, abandonment, neglect or financial exploitation continues to grow. These vulnerable victims are our senior parents and neighbors. They’re our disabled children or grandchildren. And as each of us approaches our senior years, our vulnerability to certain crimes grows.

BACKGROUND:

The Attorney General invited more than 100 professionals – law enforcement officials, health care providers, prosecutors, legislators, social workers, bankers and advocates from around the state – to





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participate in a Vulnerable Adult Summit on June 1, 2007. These professionals then joined work groups to continue their work. They submitted final recommendations in May of 2008. Their reports suggest that:

- Punishments for the abuse of vulnerable adults need to be strengthened in order to protect a growing pool of potential victims and to address a clear increase in the number of abuse cases.
- All too often, elders and dependent adults are targeted because of their vulnerability. Their ability to protect themselves may be compromised due to health issues, lack of mobility, memory loss or their inability to communicate.