WASHINGTON COURTS

ADMINISTRATIVE OFFICE OF THE COURTS

MEMORANDUM

TO: The Legal Community and Form Users

FROM: Wendy Lamar, Sr. Legal Analyst
AOC, Legal Services and Appellate Court Support
Court Services Division (CSD)

DATE: December 1, 2021

RE: Proposed Petition for Protection Order, PO 001

The Pattern Forms Committee submits for comment this combined, protection-order petition, PO 001. The form is based on chapter 7.105 RCW. This petition combines the domestic violence, sexual assault, stalking, unlawful harassment, and vulnerable adult protection-order petitions. Attachment A, the Child Custody Information Sheet, will be populated with an updated version of form WPF DV 1.030 Child Custody Information Sheet.

The average petitioner should be able to read the form, understand it, and be able to complete the petition. This combined petition is significantly longer than the existing petitions, contributing to the complexity of the form. Brief instructions have been included within the form to guide petitioners.

To comment on the proposed changes, please use the following link: http://www.courts.wa.gov/forms/?fa=forms.formsComments. The form number is PO 001 and form title is Petition for Protection Order. Comments that will be included in the review should be submitted before March 1, 2022.

Court of Washington **For**	
	No.
Petitioner *(Person starting this case)* vs. Respondent *(Person responding to this case)*	**Petition for Protection Order** (PTORPRT / PTORSXP / PTORSTK / PTORAH / PTORVA)

Petition for Protection Order

What kind of protection order do you want? There are different orders based on the type of harm and how the parties know each other. See definitions in Attachment C.

1. Choose the type of protection order that best fits your situation. *Check only one.*

[ ] Domestic Violence – Protection from an intimate partner or family or household member who has committed domestic violence, nonconsensual sexual conduct or penetration, unlawful harassment, or stalking. (PTORPRT)

[ ] Sexual Assault – Protection from someone who has committed sexual assault and is not an intimate partner or family or household member. (PTORSXP)

[ ] Stalking – Protection from someone who has committed stalking and is not an intimate partner or family or household member. (PTORSTK)

[ ] Anti-Harassment – Protection from someone who has committed unlawful harassment. (PTORAH)

[ ] Vulnerable Adult – Protection from someone who has abandoned, abused, financially exploited, or neglected a vulnerable adult (or threatened to do so). (PTORVA)

Important! *If you are asking for a Vulnerable Adult Protection Order, you* ***must*** *complete* ***Attachment B: Vulnerable Adult*** *as part of this Petition.*

2. If more than one of the protection order types listed above fits your situation, write them here: _____

Who are the people involved? These are the "parties" to the case.

3. Are you filing to protect yourself or someone else (*check all that apply*)?

[ ] Myself. *(Must be age 15 or older.)*

[ ] Someone else. I am filing for the person/s named in sections 4 and 5 below who is:

[ ] a minor who is ___ years old.
I am the minor's [ ] parent [ ] legal guardian [ ] custodian.

[ ] a vulnerable adult *(Complete Attachment B. See definition in Attachment C.)*

[ ] an adult who does not meet the definition of a vulnerable adult, but who cannot file the petition themselves because of age, disability, health, or inaccessibility *(Do not check this for vulnerable adult or domestic violence petitions.).*

What is the age, disability, health or inaccessibility concern that makes the adult unable to file themselves? Why is the court's intervention necessary? *(Examples: the adult is hospitalized, temporarily incapacitated, or in jail/prison.)*

_____

_____

_____

My name is *(the person filing this petition)* _____.

4. Who should the order protect?

Name: _____

Interpreter needed? [ ] No [ ] Yes, Language: _____

Important! *You may need to request an interpreter separately. You will get instructions with an order setting your hearing.*

5. Minor Children. Do you also want to protect any children under age 18 in your family or household? [ ] No [ ] Yes If yes, fill out below.

Child's Initials	Date of Birth or Age	Sex	Resides With	How related to You	How related to Restrained Person

Important! *If the restrained person is a parent of any of the children (or if you are **not** a parent), you **must** complete **Attachment A: Child Custody** as part of this Petition*.

6. Service address. What is your address for receiving legal documents? If you want to keep your home address private, you may give a different mailing address.

Mail: _____

Email: _____

7. Who should the order restrain? ("Restrained Person")

Name: _____

Restrained Person's age: [ ] Under 13 [ ] 13 to 17 [ ] 18 or over

How do the parties know each other? This helps decide what type of order you get.

8. Check all the ways the protected person is connected or related to the restrained person:

Intimate Partners

[ ] current or former spouses or domestic partners

[ ] parents of a child-in-common

[ ] current or former dating relationship (age 13 or older)

Family or household members

[ ] current or former cohabitants as roommates

[ ] parent and child

[ ] stepparent and stepchild

[ ] grandparent and grandchild

[ ] parent's intimate partner and child

[ ] person who is or has been a legal guardian

[ ] related by blood or marriage (*specify how*) _____.

Other (examples: coworker, neighbor, acquaintance, stranger)

_____.

Connection to Washington State. This helps decide if the court has authority.

9. Why are you filing in this county and state? *Check all that apply.*

[ ] The protected person lives in this county now, **or** used to live in this county but left because of abuse.

[ ] An incident that made me want this protection order happened in this county or state.

10. Restrained Person's residence. Where does the restrained person live?

[ ] In Washington State in *(city or county)*: _____

[ ] Outside of Washington State [ ] Unknown

Are there other court cases involving the parties or any children?

11. Other orders providing protection. Are there any other orders providing protection between any of the people involved in this case or any children? Include orders that were denied or have expired. *(Examples: criminal no contact order, civil protection order, family law restraining order, protection order from another state, tribal order, military orders)*

[ ] No [ ] Yes If yes, fill out below.

Type of Order *(Criminal/Civil/ Restraining Order)*	Court Location *(County/City)*	Court Type *(Superior/ District/Muni/Tribal)*	Date of Order *(Approx.)*	Order granted or denied?

12. Other court cases. Are there any criminal cases or civil lawsuits between any of the people involved in this case, or about any children? Include court cases happening now and in the past. *(Examples: court cases about parenting plans, divorce, landlord-tenant, employment, property, assault.)*

[ ] No [ ] Yes If yes, fill out below.

Type of Case *(See examples)*	Court Location *(County/City)*	Court Type *(Superior/District/Muni/Tribal)*	Case number *(if known)*

What protections do you want? Check everything you want the court to order.

13. I ask for a protection order with the following protections:

General Protections

A. [ ] **No Harm:** Restrain the restrained person from causing any physical harm, bodily injury, assault, nonconsensual sexual conduct or nonconsensual sexual penetration, and from harassing, threatening, or stalking

[ ] me [ ] the minors named in section **4** above
[ ] the vulnerable adult [ ] these minors only: _____

Important! *If the court orders this and you and the restrained person are/were intimate partners, the restrained person will not be able to get or have a gun/firearm, other dangerous weapon, ammunition, or concealed pistol license for the duration of the order.*

B. [ ] **No Contact:** Restrain the restrained person from making any attempts or having any contact, including nonphysical contact, directly, indirectly, or through third parties, regardless of whether those third parties know of the order, except for service of court documents with

[ ] me [ ] the minors named in section **4** above
[ ] the vulnerable adult [ ] these minors only: _____

C. [ ] **Stay Away**: Restrain the restrained person from knowingly coming within, or knowingly remaining within (distance) _____ of

[ ] me [ ] my vehicle [ ] my residence [ ] my workplace [ ] my school

[ ] our shared residence

[ ] the residence, daycare, or school of [ ] the minors named in section **4** above
[ ] these minors only: _____

[ ] vulnerable adult's residence [ ] vulnerable adult's work [ ] adult day program

[ ] other: _____

(You have a right to keep your home address confidential.)

D. [ ] **Exclude from Places:** Exclude the restrained person from the places checked in **C** above.

E. [ ] **Stalking Behavior:** Restrain the restrained person from harassing, following, monitoring, keeping under physical or electronic surveillance, cyberstalking as defined in RCW 9.61.260, and using telephonic, audiovisual, or other electronic means to monitor the actions, locations, or communication, including wire and electronic communication, of

[ ] me [ ] the minors named in section **4** above
[ ] the vulnerable adult [ ] these minors only: _____
[ ] these members of the protected person's household : _____

_____

Describe any stalking or surveillance behavior by the restrained person. This can include in-person, electronic, and online actions to harass, monitor, or track you. *(Examples: excessive phone calls or texts, recording you without permission, getting into your email or social media accounts, following you or people in your household.)*

_____

_____

_____

_____

F. [ ] **Intimate Images:** Restrain the restrained person from possessing or distributing intimate images depicting a protected person, as defined in RCW 9A.86.010. Require the restrained person to take down and delete all intimate images and recordings of a protected person in the restrained person's possession or control and cease any all disclosure of those intimate images.

G. [ ] **Electronic Monitoring:** Require the restrained person to submit to electronic monitoring. *(Restrained person must be age 18 or older.)*

H. [ ] **Evaluation:** Order the restrained person to get an evaluation for:
[ ] mental health [ ] chemical dependency (drugs)

I. [ ] **Treatment:** Order the restrained person to participate in state-certified treatment for:
[ ] sex offender [ ] domestic violence perpetrator

J. [ ] **Personal Belongings:** Give me possession of essential personal belongings, including the following:

_____

_____

K. [ ] **Transfer of Assets:** Restrain the transfer of jointly owned assets.

L. [ ] **Vehicle**: Give me use of the following vehicle:

Year, Make & Model _____ License No._____

M. [ ] **More than 1 Year:** Remain effective longer than one year because the restrained person is likely to resume acts of domestic violence, unlawful harassment, stalking, nonconsensual sexual conduct or nonconsensual sexual penetration, or acts of abandonment, neglect, financial exploitation or abuse against the persons to be protected if the order expires in a year.

Why are you asking for the protection order to last longer than 1 year? Why is one year not enough?

_____

_____

_____

N. [ ] **Pay Fees and Costs:** Require the restrained person to pay fees and costs of this action. This may include administrative court costs and service fees and the protected person's costs including lawyer fees.

Firearms and Other Dangerous Weapons

O. [ ] **Surrender Weapons:** Require the restrained person to immediately surrender all guns/firearms, other dangerous weapons, and any concealed pistol licenses, and prohibit the restrained person from accessing, obtaining or possessing guns/firearms, or other dangerous weapons, or concealed pistol licenses.

Important! *If you are the restrained person's intimate partner, after actual notice to the restrained person and an opportunity for the parties to be heard at the hearing, the court is required to order the restrained person to surrender guns/firearms, other dangerous weapons, or concealed pistol licenses.*

Does the restrained person have or own guns/firearms?

[ ] Yes [ ] No [ ] Unknown

Would the restrained person's use of guns/firearms or other dangerous weapons be a serious and immediate threat to anyone's health or safety?

[ ] Yes [ ] No [ ] Unknown

Even if the restrained person does not have guns/firearms now, has the restrained person ever used guns/firearms, other weapons or objects to threaten or harm you?

[ ] Yes [ ] No

If Yes, describe what happened.

_____

_____

_____

_____

Is the restrained person already not allowed to have guns/firearms?

[ ] Yes [ ] No [ ] Unknown

If Yes, why?

_____

_____

Domestic Violence

P. [ ] **Restrict Abusive Litigation:** Restrict the restrained person from engaging in abusive litigation as set forth in chapter 26.51 RCW or in frivolous filings against the petitioner, making harassing or libelous communications about the petitioner to third parties, or making false reports to investigative agencies.

Minors

If listing minors, use only their initials. Include ages if minors have the same initials.

Q. [ ] **Custody:** Give me the care, custody and control of
[ ] the minors named in section **4** above [ ] these minors only: _____

R. [ ] **Interference:** Restrain the restrained person from interfering with my physical or legal custody of
[ ] the minors named in section **4** above [ ] these minors only: _____

S. [ ] **Removal from State**: Restrain the restrained person from removing from the state:
[ ] the minors named in section **4** above [ ] these minors only: _____

T. [ ] **School Attendance:** *(When both the restrained person and a protected person are students at the same school)*
Prohibit the restrained person from attending the elementary, middle, or high school *(school name)* _____, that a protected person attends. Includes public and private schools.

Pets

U. [ ] **Custody:** Give the protected person exclusive custody and control of the following pet/s owned, possessed, leased, kept, or held by the protected person, restrained person, or a minor child who lives with either the protected or restrained person. *(Specify name of pet and type of animal.):*

_____

V. [ ] **Interference:** Prohibit the restrained person from interfering with the protected person's efforts to get the pet/s named above.

W. [ ] **Stay Away:** Prohibit the restrained person from knowingly coming within, or knowingly remaining within *(distance)* _____ of the following locations where the pet/s are regularly found:
[ ] Protected person's residence *(You have a right to keep your home address confidential.)*
[ ] Park *(name of park)*: _____

Vulnerable Adult

X. [ ] **Safety:** Restrain the restrained person from committing or threatening to commit acts of abandonment, neglect, financial exploitation, or abuse, including sexual abuse,

mental abuse, physical abuse, personal exploitation, and improper use of restraints, against the vulnerable adult.

Y. [ ] **Accounting:** Require the restrained person to provide an accounting of the disposition of the vulnerable adult's income or other resources.

Z. [ ] **Property Transfer:** For up to 90 days, restrain the restrained person from transferring the property of [ ] the vulnerable adult [ ] the restrained person.

Other Protection

AA. [ ] **Other:** _____

_____

_____

_____

Do you need help from law enforcement? They may help you get the things you asked for.

14. Law Enforcement Help: Do you want the court to order the appropriate law enforcement agency to help you with any of the things listed below?
[ ] Yes [ ] No

If Yes, what do you need law enforcement to help with?

[ ] Possession of my residence.
[ ] Possession of the vehicle I asked for in section **M** above.
[ ] Possession of my essential personal belongings that are located at
  [ ] the shared residence
  [ ] the restrained person's residence
  [ ] other location _____
[ ] Custody of [ ] the minors named in section **4** above [ ] these minors only _____
[ ] Other: _____

Do you need immediate protection? If needed, you can ask for a Temporary Protection Order that starts now, before the restrained person gets notice. This protection can last up to 14 days or until the court hearing (whichever comes first).

15. Immediate Protection: Do you want a Temporary Protection Order to start immediately, without prior notice to the restrained person? *(The temporary order could have all the protections you asked for above and would last until the hearing.)*
[ ] Yes [ ] No

16. Immediate Weapons Surrender: Do you want a temporary order that requires the restrained person give up all guns/firearms, other dangerous weapons, and concealed pistol licenses right away, and prohibits the restrained person from getting more?
[ ] Yes [ ] No

If Yes to 15 or 16, explain why: What irreparable injury could occur if an order is not issued immediately without prior notice to the restrained person?
(Briefly explain why you need an order right away, before the next hearing. How would you or anyone else be harmed if you do not get protection now?)

Why do you need a protection order? What happened? This is your statement, where you tell your experience.

Be as specific and descriptive as possible. Put the date, names, what happened and where. Use names rather than pronouns like “he” or “they” as much as possible. If you cannot remember the date, put the time of year it happened (around a holiday, winter, summer, how old your child was) or about how long ago.

For all of the questions below, include details:

- Who did what?
- When did this happen?
- How were any statements made? (in person, mail, text, phone, email, social media)
- How did this make you, the minor, or the vulnerable adult feel?

If you need more space to answer any of the questions below, use form DVSTMT Statement or attach additional pages.

17. Most Recent Incident. What happened most recently that made you want a protection order? When did this happen? What did the restrained person do or say in that incident? This could include violent acts, fear or threats of violence, nonconsensual sexual conduct or nonconsensual sexual penetration, sexual abuse, harassment, stalking, hate crimes, and incidents or threats involving a vulnerable adult of abandonment, abuse, neglect and/or financial exploitation. Include details.

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18. Past Incidents. What happened in the past that makes you want a protection order? When did this happen? This could include violent acts, fear or threats of violence, nonconsensual sexual conduct or nonconsensual sexual penetration, sexual abuse, harassment, stalking, hate crimes, and incidents or threats involving a vulnerable adult of abandonment, abuse, neglect and/or financial exploitation. Include details.

19. Medical Treatment. Describe any medical treatment you received for issues related to your request for protection.

> ***Important!*** *You can submit confidential, medical records and photographs of injuries under a sealed cover sheet to protect your privacy. Use form FL All Family 012, Sealed Personal Health Care Records.*

20. Suicidal Behavior. Describe any threats of self-harm or suicide attempts by the restrained person.

21. Restrained Person's Substance Abuse

Is substance abuse involved?	[ ] Yes	[ ] No	[ ] Unknown
If yes, what type of substance abuse?	[ ] Alcohol	[ ] Drugs	[ ] Other

Answer any questions below that apply to your situation.

22. Minors Needing Protection *(If the information is not already included above.)*

Has there been any violence or threats towards children? When did this happen? What did the restrained person do or say? How have the children been affected by the restrained person's behavior? Were the children present during any of the incidents described above? *(Describe and give details)*

23. Minor Students *(If the restrained person and a protected person are minors who attend the same school)*

In section **T** above, if you asked the court to order the restrained person not to attend the same school as a protected person, describe any continuing physical danger, emotional distress, or educational disruption to a protected person that would happen if the restrained person attended the same school.

24. Supporting Evidence *(If you have anything else you want the court to see that helps prove what you are saying is true.)*

[ ] I am attaching the following evidence to this Petition *(check all that apply):*

- [ ] Pictures
- [ ] Text / email / social media messages
- [ ] Voice messages (written transcript)
- [ ] Written notes / letters / mail
- [ ] Police report
- [ ] Declaration or statement from witness (name/s): _____
- [ ] Other (describe): _____

[ ] I am filing medical or mental-health records separately, under a Sealed Personal Health Care Records cover sheet (form FL All Family 012).

Privacy Warning! The restrained person will see this Petition and any other evidence you file with the court. This information is also available to the public for anyone to see, unless it is filed under a sealed cover sheet.

Before you file any attachments, you can black out (redact) any sensitive information. Examples: your home address, account numbers (leave last four digits), minor's names (leave minor's initials).

I declare under penalty of perjury under the laws of the state of Washington that the facts I have provided on this form (and any attachments) are true. [ ] I have attached *(number):* ____ pages.

Signed at *(city and state):* _____ Date: _____

▶ _____ _____

Sign here *Print name*

Attachment A: Child Custody

Does your case involve a child/ren of the restrained person? Are you filing for a child that is not your child? If yes, complete questions X through Y and submit as part of your petition. If no, skip this attachment.

Attachment B: Vulnerable Adult

Does your case involve a vulnerable adult? If yes, complete questions 25 through 28 and submit as part of your petition. If no, skip this attachment.

25. What qualifies the adult as a vulnerable adult? The adult *(check all that apply)*:

[ ] Is over 60 years old and does not have the functional, mental, or physical ability to care for himself or herself.

[ ] Is an individual subject to guardianship under 11.130.25 or an individual subject to conservatorship under 11.130.360 RCW

[ ] Has a developmental disability as defined in RCW 71A.10.020.

[ ] Self-directs their own care and receives services from a personal aide under RCW 74.39.

[ ] Is receiving services from a home health, hospice, or home care agency licensed or required to be licensed under RCW 70.127.

[ ] Is receiving in-home services from an individual provider under contract with DSHS.

[ ] Has been admitted to an assisted living facility, nursing home, adult family home, soldiers' home, residential habilitation center or any other facility licensed by DSHS.

26. Does the vulnerable adult know you will be filing this petition?

[ ] Yes [ ] No If no, what efforts did you make to notify the vulnerable adult?

_____

_____

27. Connection to Washington. Does the vulnerable adult live in Washington State?

[ ] Yes [ ] No If no, are you asking to protect any **family members** of the vulnerable adult who:

- Live in Washington State, and
- Have been affected by the restrained person's actions

[ ] Yes [ ] No

28. What is your relationship to the vulnerable adult?

[ ] DSHS is filing this petition for a vulnerable adult who [ ] has consented [ ] lacks capacity or ability to consent to this petition.

[ ] I am the vulnerable adult's guardian/conservator, or limited guardian/conservator. I was appointed in (county and state) _____ in Case Number _____ on or about (date) _____. *(Attach a copy of your letters or order appointing guardian/conservator, if available.)*

[ ] To protect the vulnerable adult, I imposed an **emergency restriction** on the vulnerable adult's right to associate with the restrained person on (date) ___.

[ ] 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 their own interests, due to incapacity, undue influence, or duress.

What is the nature of your relationship to the vulnerable adult? How long has this relationship lasted? *(Describe)*

_____

_____

_____.

What is the incapacity, undue influence, or duress that makes the vulnerable adult unable to protect their own interests? *(Describe)*

_____

_____

_____.

Attachment C: Definitions

"**Domestic violence**" means:

(a) Physical harm, bodily injury, assault, or the infliction of fear of physical harm, bodily injury, or assault; nonconsensual sexual conduct or nonconsensual sexual penetration; unlawful harassment; or stalking of one intimate partner by another intimate partner; or

(b) Physical harm, bodily injury, assault, or the infliction of fear of physical harm, bodily injury, or assault; nonconsensual sexual conduct or nonconsensual sexual penetration; unlawful harassment; or stalking of one family or household member by another family or household member.

"**Sexual conduct**" means any of the following:

(a) Any intentional or knowing touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through clothing;

(b) Any intentional or knowing display of the genitals, anus, or breasts for the purposes of arousal or sexual gratification of the respondent;

(c) Any intentional or knowing touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through clothing, that the petitioner is forced to perform by another person or the respondent;

(d) Any forced display of the petitioner's genitals, anus, or breasts for the purposes of arousal or sexual gratification of the respondent or others;

(e) Any intentional or knowing touching of the clothed or unclothed body of a child under the age of 16, if done for the purpose of sexual gratification or arousal of the respondent or others; or Any coerced or forced touching or fondling by a child under the age of 16, directly or indirectly, including through clothing, of the genitals, anus, or breasts of the respondent or others.

"**Sexual penetration**" means any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth, or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person including, but not limited to, cunnilingus, fellatio, or anal penetration. Evidence of emission of semen is not required to prove sexual penetration.

"**Stalking**" means any of the following:

(a) Any act of stalking as defined under RCW 9A.46.110;

(b) Any act of cyberstalking as defined under RCW 9.61.260; or

(c) Any course of conduct involving repeated or continuing contacts, attempts to contact, monitoring, tracking, surveillance, keeping under observation, disrupting activities in a harassing manner, or following of another person that:

(i) Would cause a reasonable person to feel intimidated, frightened, under duress, significantly disrupted, or threatened and that actually causes such a feeling;

(ii) Serves no lawful purpose; and

(iii) The respondent knows, or reasonably should know, threatens, frightens, or intimidates the person, even if the respondent did not intend to intimidate, frighten, or threaten the person.

"**Unlawful harassment**" means:

(a) A knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, harasses, or is detrimental to such person, and that serves no legitimate or lawful purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner; or

(b) A single act of violence or threat of violence directed at a specific person that seriously alarms, annoys, harasses, or is detrimental to such person, and that serves no legitimate or lawful purpose, which would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner. A single threat of violence must include:

(i) A malicious and intentional threat as described in RCW 9A.36.080(1)(c); or

(ii) the presence of a firearm or other weapon.

For Vulnerable Adult Protection Orders Only:

"**Vulnerable adult**" includes a person:

(a) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; or

(b) Subject to a guardianship under RCW 11.130.265 or adult subject to conservatorship under RCW 11.130.360; or

(c) Who has a developmental disability as defined under RCW 71A.10.020; or

(d) Admitted to any facility; or

(e) Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW; or

(f) Receiving services from a person under contract with the department of social and health services to provide services in the home under chapter 74.09 or 74.39A RCW; or

(g) Who self-directs his or her own care and receives services from a personal aide under chapter 74.39 RCW.

"**Abuse**," for the purposes of a **vulnerable adult** protection order, means intentional, willful, or reckless 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, personal exploitation, and improper use of restraint against a **vulnerable adult**, which have the following meanings:

(a) "Improper use of restraint" means the inappropriate use of chemical, physical, or mechanical restraints for convenience or discipline, or in a manner that:

  (i) Is inconsistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW;

  (ii) is not medically authorized; or

  (iii) otherwise constitutes abuse under this section.

(b) "Mental abuse" means an intentional, willful, or reckless verbal or nonverbal action that threatens, humiliates, harasses, coerces, intimidates, isolates, unreasonably confines, or punishes a vulnerable adult. "Mental abuse" may include ridiculing, yelling, swearing, or withholding or tampering with prescribed medications or their dosage.

(c) "Personal 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.

(d) "Physical abuse" means the intentional, willful, or reckless action of inflicting bodily injury or physical mistreatment. "Physical abuse" includes, but is not limited to, striking with or without an object, slapping, pinching, strangulation, suffocation, kicking, shoving, or prodding.

(e) "Sexual abuse" means any form of nonconsensual sexual conduct including, but not limited to, unwanted or inappropriate touching, rape, molestation, indecent liberties, sexual coercion, sexually explicit photographing or recording, voyeurism, indecent exposure, and sexual harassment. "Sexual abuse" also includes any sexual conduct 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 the sexual conduct is consensual.

"**Financial exploitation**" means the illegal or improper use of, control over, or withholding of, the property, income, resources, or trust funds of the **vulnerable adult** by any person or entity for any person's or entity's profit or advantage other than for the vulnerable adult's profit or advantage. "Financial exploitation" includes, but is not limited to:

(a) The use of deception, intimidation, or undue influence by a person or entity in a position of trust and confidence with a vulnerable adult to

obtain or use the property, income, resources, government benefits, health insurance benefits, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult;

(b) The breach of a fiduciary duty, including, but not limited to, the misuse of a power of attorney, trust, or a guardianship or conservatorship appointment, that results in the unauthorized appropriation, sale, or transfer of the property, income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult; or

(c) Obtaining or using a vulnerable adult's property, income, resources, or trust funds without lawful authority, by a person or entity who knows or clearly should know that the vulnerable adult lacks the capacity to consent to the release or use of the vulnerable adult's property, income, resources, or trust funds.

"**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 the 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 by a person or entity with a duty of care 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.