

Building Elderly Friendly Futures: Legal Issues and Concerns

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Stats on VAPO

	2008		2009		2010		2011		2012		2013	
	Case Count	Order Count	Case Count	Order Count	Case Count	Order Count	Case Count	Order Count	Case Count	Order Count	Case Count	Order Count
Sum:	345	725	395	954	433	1018	522	1152	613	1397	706	1543

Table & statistics courtesy of AOC

Stats on Guardianship

2013 - 2,560 new guardianship cases in Washington state

Year to date (Until 07/31/2014) – 1,382 new guardianship cases in Washington state

GDE	GDN	GDP	LGD	LGE	LGP	MGD	TOTAL
GUARDIANSHIP OF THE ESTATE	GUARDIANSHIP	GUARDIANSHIP OF THE PERSON	LIMITED GUARDIANSHIP	LIMITED GUARDIANSHIP/ESTATE	LIMITED GUARDIANSHIP/PERSON	MINOR GUARDIANSHIP	TOTAL
61	19227	127	517	30	17	192	20171

Table & statistics courtesy of AOC

Scope of the issues

- Many cases go undetected and unreported
- Difficulties in finding Guardians willing to serve
- Constraints of low income vulnerable adults
 - Lack of financial resources available for payment
 - Many cases are very intensive and time consuming in the early stages of the proceeding and quickly exhaust the limited financial resources.
 - \$175 per month DSHS reimbursement rate to Guardians

Changes to Vulnerable Adult Statute

Prior to 2007 the statute was very difficult to navigate and utilize

In 2007, several substantive and procedural changes were enacted that made that VAPA user-friendly, economical and effective

- Creation of uniform mandatory forms
- Simplifying terms on how to obtain a VAPO
- Waiving the filing fee (previously \$200.00) in all cases
- Broadening the number of people who can petition for a VAPO
- Authorizing APS and other governmental entities, such as law enforcement, to petition for a VAPO
- Enabling non-attorneys to assist a petitioner in obtaining a VAPO without violating Washington's laws against practicing law without a license

Mandatory reporting requirements

- <http://www.altsa.dshs.wa.gov/aps/mandatory.htm>
- Mandatory reporters
 - Employees of DSHS
 - Law enforcement
 - Social Workers, etc.
- Must make report if there is reason to suspect a vulnerable adult has been sexually or physically assaulted, or if financial exploitation, abuse, abandonment, neglect has occurred

How families accept neglect or DV in their lives

- Financial reasons
- Mental and physical disabilities
 - Dementia
 - Lack of mobility
- Fear of abandonment
- Cultural considerations
- Lack of awareness associated with abuse

Do all cases lead to criminal charges?

Limitations to the system

- What are the resources available to address the legal issues of guardianship?
- Limitations stem from
 - Prioritization
 - Resources
 - Volume
 - Finances
 - Communication

Civil remedies

- What can the public do through civil remedies?
- Civil remedies may be an option to assist persons who have suffered neglect, abuse, or financial exploitation
- Remedies may include:
 - Injunctive or other equitable relief
 - Compensatory damages
 - Punitive damages
 - Pain and suffering damages
 - Attorney's fees and costs