

Crimes Against Vulnerable Adults

*“What Every Estate Planner
Should Know”*

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I. Definitions

A. Vulnerable Adult (in Washington State)

B. Abuse

1. Physical
2. Mental
3. Sexual

C. Neglect

1. Self-Neglect
2. Abandonment

D. Financial Exploitation

1. The Trusted Servant
2. Breach of Fiduciary Duty
3. Lack of Capacity

II. Estate Planning Tools

A. Powers of Attorney

1. Attorney-in-Fact – Health Care Decisions

- (a) Abuse Considerations
- (b) Neglect Considerations

2. Attorney-in-Fact – Financial Decisions

- (a) Financial Exploitation Considerations
- (b) Tax Reporting
- (c) Investments

3. Other Issues

- (a) UPL – Unauthorized Practice of Law

- (b) Multiple AIF's
- (c) Accountability Issues
- (d) Gifting Issues
- (e) Breaches of Fiduciary Duties

B. Trusts

1. Trustee Accountability

- (a) Bonding
- (b) Trust Reporting Issues
- (c) Gifting
- (d) Breach of Fiduciary Duty
- (e) Similar Issues on Tax Reporting & Investments

2. Co-Trustee Issues

3. UPL – Unauthorized Practice of Law

C. Wills

1. Undue Influence

- (a) UPL – Unauthorized Practice of Law
- (b) Capacity
- (c) Loan “Write Offs”
- (d) Exclusion of Heirs
- (e) Drastic Changes to Long-Term Estate Planning Goals

III. Reporting Crimes Against Vulnerable Adults

A. How and When?

1. Emergency Situations – CALL 911

2. Adult Protective Services (“APS”)

B. Who Can Report?

- 1. Mandated Reporters by Definition - RCW 74.34.020(11)**
- 2. Permissive Reporters by Definition - RCW 734.34.020(13)**

C. Other Reporting Issues to Consider

- 1. Anonymity Option**
- 2. Emergency Resources Outside Law Enforcement and APS**
- 3. Vulnerable Adult Protection Orders (“VAPO’s”)**
 - (a) Immediate Temporary Protection
 - (b) May be Filed by any “interested person” per RCW 74.34.020(10)
 - (c) Forms Available Online or at the Courthouse
 - (d) Community Volunteers
 - (e) Creative Tools for Combating Suspected Abuse, Neglect and Exploitation
- 4. Are there Other Ways to Resolve the Situation?**
 - (a) It is Important to **ALWAYS** Consider the Ultimate Welfare of Vulnerable Adult
 - (b) Abuse Situations
 - (c) Neglect Situations
 - (d) Exploitation Situations

IV. Other Community Resources

A. Friends of the Clark County Elder Justice Center

B. Southwest Washington Elder Abuse Prevention (“SWEAP” Coalition)

C. Colleagues Specializing in Vulnerable Abuse Crimes

D. Other Community Resources