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ÖÜÖÄÜGEGHÜÄÄSPV

Superior Court of Washington, County of King

CHARLES A. HAROLD, JR.	1/3/1961
Petitioner (<i>Person starting this case</i>)	DOB
vs.	
DAVID ALLEN PAICE	2/12/1980
Respondent (<i>Person responding to this case</i>)	DOB

Case No. GEGHÜÄÄSPV

Petition for Protection Order

Clerk's Action: 1

Petition for Protection Order

What kind 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 Attachments A and B.**

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. (PTORSXP)
- ☐ Stalking – Protection from someone who has committed stalking. (PTORSTK)
- ☒ 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.

- ☐ Anti-Harassment – Protection from someone who has committed unlawful harassment. (PTORAH) (*fee may be required*)
Conduct also includes (*check all that apply*): ☐ stalking ☐ hate crime
☐ single act/threat of violence including malicious and intentional threat or presence of firearm/weapon causing substantial emotional distress
☐ family or household member engaged in domestic violence
☐ nonconsensual sexual conduct or penetration or a sex offense

2. If more than one of the protection order types listed above fits your situation, list any additional order types here: N/A

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

Name: DAVID ALLEN PAICE

Restrained Person's age: ☐ Under 13 ☐ 13 to 17 ☒ 18 or over ☐ unknown

Who should be protected? Check all that apply. Depending on the type of order, you can protect yourself and/or children, or you can file on behalf of a vulnerable adult, or another adult who cannot file for themselves.

4. Who should the order protect? ("Protected Person") (Check all that apply.)

☐ **Me.** My name is _____
(You must be age 15 or older.)

☐ **Minor Children.**

☐ I am the minor's ☐ parent ☐ legal guardian ☐ custodian.

☐ I am age 18 or older and the minor is a member of my family or household.
(For domestic violence petitions only.)

☐ I am age 15 to 17. The minor is a member of my family or household. I have been chosen by the minor and am capable of pursuing their stated interest in this case.

Child's Name	Age	Sex	Lives With	How related to you	How related to Restrained Person

Important! If the restrained person is a parent of any of the children, complete **Attachment C: Child Custody**. If you are **not** a parent of any of the children, complete **Attachment D: Non-parents protecting children (ICWA)**. You must include these Attachment/s with your Petition if they apply.

☒ **Someone else.** (List your name as Petitioner at the beginning of this form. Describe who you are filing for here.) I am filing to protect:

☒ a vulnerable adult (name) SHARON M. HAROLD
(See definition and complete Attachment B.)

☐ an adult (name) _____
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? (Examples: the adult is hospitalized, temporarily incapacitated, or in jail/prison.)

5. **Service address.** What is your address for receiving legal documents? You have the right to keep your residential address private. You may use a different mailing address for receiving legal documents.

Mail: 1455 N. TOMAHAWK RD., APACHE JUNCTION, AZ 85119

Email (if you agree to receive legal documents by email): chuckharold@gmail.com

6. **Interpreter**

Do you need an interpreter? ☒ No ☐ Yes, Language: _____

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

How do the parties know each other?

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

Intimate Partners – Protected person and restrained person are intimate partners because they are:

- ☐ current or former spouses or domestic partners
☐ parents of a child-in-common (unless child was conceived through sexual assault)
☐ current or former dating relationship (age 13 or older) who
☐ never lived together ☐ live or have lived together

Family or household members - Protected person and restrained person are family or household members because they are:

- ☐ parent and child ☐ stepparent and stepchild
☐ grandparent and grandchild ☐ parent's intimate partner and child
☐ current or former cohabitants as roommates
☐ person who is or has been a legal guardian
☒ related by blood or marriage (*specify how*) Grandson-in-law

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

Trustee of the Sharon M. Harold Irrevocable Trust dated November 12, 2004

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

8. **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, or this is the nearest court to where I live or used to live.

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

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

☒ In Washington State in (*city or county*): Burien, King County, Washington

☐ Outside of Washington State ☐ Unknown

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

- 10. Other court cases.** Have there been any other court cases between any of the people involved in this case or about any children? Include court cases happening now and in the past and requests for protection 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, parenting plans, divorce, landlord-tenant, employment, property, assault, police investigations. File copies in this court case of everything you want the court to review.)

☐ No ☒ Yes. If yes, fill out below.

Type of Case (see examples)	Court Location (City or County and State)	Court Type (Superior / District / Municipal / Tribal / Military)	Case Number (if known)	Status (active / dismissed / pending / expired, unknown)
TEDRA	Seattle, WA	Superior	22-4-018326-1 KNT	Active

Other details: _____

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).

- 11. Immediate Protection:** Do you need a Temporary Protection Order to start immediately, without prior notice to the restrained person? ☒ **Yes** ☐ **No**
- 12. Immediate Weapons Surrender:** Do you want a temporary order that requires the restrained person give up all firearms, other dangerous weapons, and concealed pistol licenses right away, and prohibits the restrained person from getting more?
☐ **Yes** ☒ **No**

If Yes to 11 or 12, explain why: What serious immediate harm or irreparable injury could occur if an order is not issued immediately without prior notice to the restrained person? (Briefly explain how you or anyone else might be harmed if you do not get protection now.)

Respondent refuses to release trust funds so Protected Person (PP) can be placed in assisted living. Meanwhile, she has fallen twice and severely injured herself. She has memory issues and is deteriorating due to all her medical conditions. She is a fall risk. Respondent is spending excessive amounts of trust funds prosecuting a TEDRA case against PP to conceal verified acts of his comingling, conversion and breaches of his fiduciary duties. In the past 14 months, Trustee has withdrawn approx. \$137,000 (\$65,000 for his attorney) while denying PP funds for her own lawyer. If he is not stopped, there will be insufficient funds for PP's healthcare.

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

13. I ask for a protection order with these restraints:

General Restraints

- A. ☐ **No Harm:** Do not cause any physical harm, bodily injury, assault, nonconsensual sexual conduct or nonconsensual sexual penetration, and do not harass, threaten, or stalk
☐ protected person ☐ the minors named in section 4 above
☐ these minors only: _____

- B. ☐ **No Contact:** Do not make any attempts or have 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
☐ protected person ☐ the minors named in section 4 above
☐ these minors only: _____
☐ **Exception** (if any): Only this type of contact is allowed: _____

Exceptions about minors, if any, provided in **P** below.

- C. ☐ **Exclude and Stay Away:** Do not enter, return to, knowingly come within, or knowingly remain within 1,000 feet or other distance (*specify*) _____ of
☐ the protected person ☐ protected person's vehicle
☐ protected person's school ☐ protected person's workplace
☐ protected person's residence ☐ protected person's adult day program
☐ the shared residence
☐ the residence, daycare, or school of ☐ the minors named in section 4 above
☐ these minors only: _____
☐ other: _____

Address: The protected person chooses to (*check one*)

☐ keep their address confidential ☐ list their address here: _____

- D. ☐ **Vacate shared residence:** The protected person has exclusive right to the residence that the protected person and restrained person share. The restrained person must immediately vacate the residence. The restrained person may take the restrained person's clothing, personal items needed during the duration of the order, and these items (*specify*): _____
from the residence while a law enforcement officer is present.

- E. ☐ **Stalking Behavior:** Do not harass, follow, monitor, keep under physical or electronic surveillance, cyber harass (as defined in RCW 9A.90.120), or use phone, video, audio or other electronic means to record, photograph, or track locations or communication, including digital, wire, or electronic communication of
☐ the protected person ☐ the minors named in section 4 above
☐ these minors only: _____
☐ these members of the protected person's household: _____

F. ☐ **Intimate Images:** Do not possess or distribute intimate images of a protected person, as defined in RCW 9A.86.010. The restrained person must 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:** The restrained person must submit to electronic monitoring. Example: location tracking via ankle bracelet. (*Restrained person must be age 18 or older.*)

H. ☐ **Evaluation:** The restrained person shall get an evaluation for:
☐ mental health ☐ chemical dependency (drugs)

I. ☐ **Treatment:** The restrained person shall participate in state-certified treatment for:
☐ sex offender ☐ domestic violence perpetrator

J. ☐ **Personal Belongings:** The protected person shall have possession of essential personal belongings, including the following:

K. ☒ **Assets:** Do not transfer jointly owned assets.

☒ **Finances:** Provide the following financial relief: Freeze all PP's accounts assoc. w/Respondent

L. ☐ **Vehicle:** The protected person shall have use of the following vehicle:

Year, Make & Model _____ License No. _____

M. ☐ **Restrict Abusive Litigation:** Do not engage in abusive litigation as set forth in chapter 26.51 RCW or in frivolous filings against the protected person, making harassing or libelous communications about the protected person to third parties, or making false reports to investigative agencies.

N. ☒ **Pay Fees and Costs:** The restrained person must pay fees and costs of this action. This may include administrative court costs, service fees, and the protected person's costs including lawyer fees.

Firearms and Other Dangerous Weapons

O. ☐ **Surrender Weapons:** The restrained person must immediately surrender to law enforcement and not access, possess, have in their custody or control, purchase, receive, or attempt to purchase or receive firearms, other dangerous weapons, or concealed pistol licenses.

Important! *The court may be required to order the restrained person to surrender firearms, other dangerous weapons, or concealed pistol licenses even if you do not request it.*

Does the restrained person have or own firearms?

☐ Yes ☐ No ☐ Unknown

Complete **Attachment E: Firearms Identification** if Yes or Unknown.

Would the restrained person's use of 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 firearms now, has the restrained person ever used 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 firearms?

☐ Yes ☐ No ☐ Unknown

If Yes, why?

Minors

- P. ☐ **Custody:** The protected person is granted temporary care, custody and control of
☐ the minors named in section 4 above
☐ these minors only:_____

Exceptions for Visitation and Transportation (including exchanges, meeting location, and pickup and dropoff) of Minors (if any):_____

Visitation listed here is an exception to any No Contact provision in **B** above.

(Only for children the protected and restrained person have together.)

- Q. ☐ **Interference:** Do not interfere with the protected person's physical or legal custody of
☐ the minors named in section 4 above
☐ these minors only:_____

- R. ☐ **Removal from State:** Do not remove from the state:
☐ the minors named in section 4 above
☐ these minors only:_____

- S. ☐ **School:** Do not attend the elementary, middle, or high school that a protected person attends: *(name of school)* _____

(Only if both the restrained person and a protected person are students at the same school. Can apply to students 18 or older. Includes public and private schools.)

Describe any continuing physical danger, emotional distress, or educational disruption to a protected person that would happen if the restrained person attends the same school.

Pets

- T. ☐ **Custody:** The protected person shall have 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.):

- U. ☐ **Interference:** Do not interfere with the protected person's efforts to get the pet/s named above.
- V. ☐ **Stay Away:** Do not knowingly come within, or knowingly remain within (distance) _____ of the following locations where the pet/s are regularly found:
☐ Protected person's residence (home address may be kept confidential.)
☐ Other (specify): _____

Vulnerable Adult

- W. ☒ **Safety:** Do not commit or threaten 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.
- X. ☒ **Accounting:** Provide an accounting of the disposition of the vulnerable adult's income or other resources.
- Y. ☒ **Property Transfer:** Do not transfer the property of ☒ the vulnerable adult ☐ the restrained person. This restraint can last for up to 90 days.

Other

Z. _____

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?
Check all that apply.

- ☐ Possession of my residence.
☐ Possession of the vehicle I asked for in section L 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: _____

How long do you need this order to last?

15. **Length of Order**
(The order will last for **at least one year** unless you ask for something different. Orders restraining a parent from contacting their own children may not exceed one year.)

I need this order to last for: ☒ 1 year ☐ more than 1 year ☐ less than 1 year (*specify how long*): _____

If you checked more or less than one year, briefly explain why.

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 (he/she/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 PO 010 Statement or attach additional pages.

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.

- 16. Most Recent Incident.** What happened most recently that made you want a protection order? This could include violent acts, fear or threats of violence, coercive control, nonconsensual sexual conduct or penetration, sexual abuse, harassment, stalking, hate crimes. For a vulnerable adult, include incidents or threats of abandonment, abuse, neglect and/or financial exploitation. Include specific date/s and details of the incident.
- On 12/5/22, Respondent filed a TEDRA petition. At a 2/4/23 hearing, PP appeared without legal representation because Respondent denied funds. Relief requested by Respondent was not granted and the case was set for trial on 5/1/23. Respondent wishes to continue trial to November 2023 and spend more trust money in the process. In the interim, PP's medical condition continues to deteriorate and on 2/27/23 received a diagnosis of skin cancer in her tear duct. I am concerned that Respondent will leave PP with insufficient funds for her required medical care for the remainder of her life. Despite repeated requests for trust funds so PP can retain an attorney, Respondent continues to deny her requests as recently as yesterday, 2/26/23. PP has written several cease and desist emails and letters to Respondent asking him to stop using trust funds for his prosecution of PP. Trust funds may be spent to defend a challenge to the Trust but not to conceal admitted breaches of fiduciary duties, like a mandatory annual accounting, which Respondent has not provide in 12 years.

- 17. Past Incidents.** What happened in the past that makes you want a protection order? This could include violent acts, fear or threats of violence, coercive control, nonconsensual sexual conduct or penetration, sexual abuse, harassment, stalking, hate crimes. For a vulnerable adult, include incidents or threats of abandonment, abuse, neglect and/or financial exploitation. Include specific date/s and details of the incidents.

Respondent allegedly became trustee of PP's trust fund in 2010. Multiple parties asked for an accounting from Respondent, and it was discovered that he had not done one in 12 years. In 2018, PP sought help from Amy Small, her daughter, who was given power of attorney to assist her with disability planning. In April 2022, Respondent sought permission from PP to hire a lawyer for a "tax issue." They retained Jeanne Kvale, who eventually dismissed them due to conflicts and because PP is a vulnerable adult. Respondent then hired Lane Powell on 6/10/22; he wanted to stop Amy from getting an accounting and financial documents. Respondent, along with other people, began harassing PP which resulted in her rescinding Amy's POA on 6/22/22. This harassment included a barrage of texts and phone calls to the point that PP told Amy that she "wanted to make it stop." One of PP's neighbors called the police when Respondent's mother-in-law, Jenifer Sawyer, was visiting due to hearing "I hate you. I want you dead." The parties were then asked to sign a "Release" releasing Respondent from all liability for his accounting. This form needed to be signed by all parties before any backup documents to the accounting would be provided, even though the parties had not received the accounting yet. Respondent threatened that if all parties did not sign the Release, trust funds would be spent to initiate a legal action, which they did.

- 18. Medical Treatment.** Describe any medical treatment you received for issues related to your request for protection.
PP is a fall risk, vulnerable adult. Since Trustee disallowed funds to pay for a proper care facility, PP has fallen multiple times, requiring medical attention. See attached declaration.

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

20. Restrained Person's Substance Abuse

Is substance abuse involved? ☐ Yes ☒ No ☐ Unknown

If yes, what type of substance abuse? ☐ Alcohol ☐ Drugs ☐ Other

21. Minors Needing Protection, if any (If the information is not already included above.)

Has there been any violence or threats towards children? 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.

22. Supporting Evidence (Include anything else you want the court to see that helps prove what you are saying is true. You are responsible for filing your supporting evidence, including police reports, if any. Before you file any attachments, you can black out (redact) any sensitive information. Examples: your home address and account numbers (leave last four digits). If you have audio or video evidence, contact the court for how to submit.)

☒ 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): Charles A. Harold, Jr.

☐ Other (describe): Exhibits to Declaration include photo, emails, police report, among other things.

I certify under penalty of perjury under the laws of the state of Washington that all the information provided in this petition and any attachments is true and correct.

☒ I have attached (number): 3 pages.

Signed at (City and State): Apache Junction, AZ

Date: February 27, 2023

Sign here

Charles A. Harold, Jr.

Print name

Attachment A: Definitions (*Always include with petition.*)

"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; coercive control; 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; coercive control; 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 cyber harassment as defined under RCW 9A.90.120; 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.

Attachment B: Vulnerable Adult

Only complete this attachment if your case involves a vulnerable adult. **If not**, skip or remove this attachment.

1. 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 RCW 11.130.265 or an individual subject to conservatorship under RCW 11.130.360.
- ☐ 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.

2. 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?

3. 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

4. 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*) October 2022.

(*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)*

Definitions For Vulnerable Adult Protection Orders:

"**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.