

September 2026

272 Hardie Ave SW, Renton, WA 98057 Phone: 425-251-8880
Email: info@bethmcdaniel.com Web: www.bethmcdaniel.com



LAW OFFICES OF
BETH A MCDANIEL
Professional Limited Liability Company

SUICIDE AND OLDER ADULTS **BY BETH A. MCDANIEL, JD, CELA**

According to the Centers for Disease Control and Prevention (CDC), older adults, ages 50 to 85+ are disproportionately affected by suicide. Between 2021 and 2022, suicides in this age range rose by 8.1%. Per the National Council on Aging..

Cont. on pages 4-5

REASONS TO CONSIDER A NEW PROBATE ATTORNEY

BY BETH A. MCDANIEL, JD, CELA



We have recently taken over several probates that other attorneys have started. Probate is the court process that occurs following a death in which an individual is appointed to settle the decedent's debts, resolve disputes, and distribute the decedent's property to their heirs or beneficiaries.

In Washington, probate occurs when there are assets over \$100,000.00 in the decedent's sole name and there is no joint owner or named beneficiary. A typical probate takes 6-12 months to complete. Probate may

Cont. on pages 2-4

OUR STATE'S PROTECTION – OR LACK OF PROTECTION -- OF VULNERABLE ADULTS **BY BETH A. MCDANIEL, JD, CELA**

Last week I was interviewed by a reporter from the Washington-based InvestigateWest, a nonprofit newsroom which was founded in 2009 by former...

Pages 6-14



September 2026

272 Hardie Ave SW, Renton, WA 98057 Phone: 425-251-8880
Email: info@bethmcdaniel.com Web: www.bethmcdaniel.com



LAW OFFICES OF
BETH A MCDANIEL
Professional Limited Liability Company

CONT: REASONS TO CONSIDER A NEW PROBATE ATTORNEY

take longer than a year due to tax issues, creditor issues, complications with preparing a property for sale, an ambiguous Will, out-of-state assets, or a Will contest.

We have the privilege of assisting clients with probate proceedings. Although probate is a legal process, it is also a personal and important process which must proceed with dignity and be handled with competency.

I have helped my husband with the probates of his parents which were handled by an attorney in another state. In one of the probates, the Will was misplaced by the attorney for months. Fortunately, the Will was ultimately found on a paralegal's desk. In his other parent's probate, the attorney did not communicate with my husband regarding key deadlines and a claim against the

estate. Indeed, it is important to have confidence in your attorney and that the attorney communicates well.

Here are some reasons individuals should consider switching probate attorneys:

1. Communication Problems.

Lawyers have a duty to keep their clients reasonably informed. If a lawyer does not return calls or e-mails, fails to provide or explain meaningful developments, or repeatedly leaves the client with the inability to make informed decisions, the client may want to consider finding a new attorney.

2. Competence and Diligence

Concerns. Examples of competence and diligence concerns include failure to open the estate in a timely manner, obtain letters, prepare and publish notice to creditors, respond to claims, address the court-required

September 2026

272 Hardie Ave SW, Renton, WA 98057 Phone: 425-251-8880
Email: info@bethmcdaniel.com Web: www.bethmcdaniel.com



LAW OFFICES OF
BETH A MCDANIEL
Professional Limited Liability Company

CONT: REASONS TO CONSIDER A NEW PROBATE ATTORNEY

filings, or move the estate towards final distributions and closure.

3. Limited Probate Experience. A lawyer unfamiliar with probate procedures can create inefficiencies and risk harm to the estate.

4. Conflict of Interest. New counsel may be needed if the attorney's representation of another heir, beneficiary, fiduciary, creditor, business, or family member materially limits the attorney's ability to act loyally for the client or the estate.

5. Billing Concerns. Examples of billing concerns include bills that do not identify work performed, duplicated or excessive time entries, charges outside the engagement agreement, unexplained cost advances, or work that appears unnecessary. A fee dispute can be a reason to seek new counsel or request fee-dispute-resolution assistance.

6. Unprofessional, disrespectful, discriminatory, or coercive conduct.

A lawyer-client relationship requires candid communication and informed decision-making. If that trust has deteriorated beyond repair, a replacement attorney may be appropriate.

How to transition to another probate attorney:

1. Review your fee agreement.

Reviewing the engagement agreement the client entered at the beginning of the relationship with the probate attorney is a good first step as it may address steps to be taken when there is a conflict with the attorney.

2. Find your new attorney first. Prior to terminating an attorney-client relationship with a probate attorney, it is important to first retain new counsel. The new attorney should notify your current attorney that they

September 2026

272 Hardie Ave SW, Renton, WA 98057 Phone: 425-251-8880
Email: info@bethmcdaniel.com Web: www.bethmcdaniel.com



LAW OFFICES OF
BETH A MCDANIEL
Professional Limited Liability Company

CONT: REASONS TO CONSIDER A NEW PROBATE ATTORNEY

have been retained. The new attorney will also request your file, request the attorney's final billing, and request the attorney's signature on a document which will be filed with the Court entitled 'Notice of Withdrawal and Substitution of Counsel.'

3. Confirm the Transition is Complete. Request that your new attorney provide you with confirmation that your relationship with the prior attorney has formally concluded in all aspects.

We do not profess to be perfect, but we strive to always serve with integrity and do right by our clients. If you are a probate client of our firm and have questions or concerns regarding your representation, please contact me.

CONT: SUICIDE AND OLDER ADULTS

...(NCO), reasons for the higher suicide rates include grief, social isolation, physical impairments, chronic illness, or adverse economic circumstances, any of which can lead to clinical depression. Clinical depression is not a part of normal aging.

As reported by The Los Angeles Times, clinical depression in older adults is widely under-recognized, under-diagnosed, and under-treated. Not enough mental health care providers are trained in geriatric care, and many mental health care providers traditionally cannot or will not accept Medicare. To reduce suicide rates among older adults, it is important for mental health care professionals to have proper training. ("Suicides in U.S. hit historic high in

September 2026

272 Hardie Ave SW, Renton, WA 98057 Phone: 425-251-8880
Email: info@bethmcdaniel.com Web: www.bethmcdaniel.com



LAW OFFICES OF
BETH A MCDANIEL
Professional Limited Liability Company

CONT: SUICIDE AND OLDER ADULTS

2022, driven by increase among older adults,” by Emily Alpert Reyes, The Los Angeles Times, 29 Nov. 2023).

There is some good news. The Mental Health Care Access Improvement Act, first introduced years ago, was signed into law on December 23, 2022. As of January 1, 2024, Licensed Professional Counselors (LPCs) and Marriage and Family Therapists (MFTs) can sign up with Medicare as providers, something they were not previously allowed to do.

There is currently a bill pending in Congress, the Mental Health Access and Provider Support Act of 2026 (S. 4202/H.R. 8081), which would raise Medicare mental health reimbursements from 75% to 85% of the Physician Fee Schedule Amount.

Ways to Know an Older Adult is at Risk: SAMHSA (the Substance Abuse and Mental Health Services Administration) has published warning

signs which could indicate someone is at risk:

- Talking about wanting to die or kill oneself.
- Looking for a way to kill oneself.
- Talking about being a burden to others.
- Increasing the use of alcohol or drugs.
- Acting anxious or agitated, behaving recklessly.
- Sleeping too little or too much.
- Withdrawing or feeling isolated.
- Showing rage or talking about seeking revenge.
- Displaying extreme mood swings.

If you are aware that an older adult has a plan, intent, recent attempt, access to a lethal method, or cannot be kept safe, please call **911**. If you are concerned that an older adult may need support, please call or text 988 or chat at 988lifeline.org.

September 2026

272 Hardie Ave SW, Renton, WA 98057 Phone: 425-251-8880
Email: info@bethmcdaniel.com Web: www.bethmcdaniel.com



LAW OFFICES OF
BETH A MCDANIEL
Professional Limited Liability Company

CONT: OUR STATE'S PROTECTION – OR LACK OF PROTECTION -- OF VULNERABLE ADULTS

reporters and editors of the Seattle Post-Intelligencer. The reporter wanted a lawyer's opinions regarding a recent Washington court case involving a vulnerable adult.

The reporter found me by contacting the National Academy of Elder Law Attorneys. I was consulted specifically because I am on the national board of directors.

The case is Raymond L. Bell v. State of Washington, Department of Social and Health Services (Court of Appeals, Division 1, State of Washington. No. 856505-6-1). The court's decision was entered June 22, 2026, and is unpublished. As it is 'unpublished,' the court ruling in the case applies only to the parties in the case and cannot be used as legal authority in future cases involving other parties.

The sole issue before the Court was whether under Washington's Abuse of Vulnerable Adult Act (AVAA) a private plaintiff can pursue a cause of action against the State for negligent investigation or negligent failure to provide protective services. Spoiler alert: a private plaintiff cannot.

There are a few helpful things to know about the state of Washington's Adult Protective Services (APS). First, anyone can confidentially report a concern regarding a vulnerable adult to APS. This can be done by phone (877) 734-6277, or through the Washington DSHS Reporting Portal.

Second, in Washington there are 'mandatory reporters' and 'permissive reporters.' Mandatory reporters must make immediate reports to APS if alleged abandonment, abuse, financial

September 2026

272 Hardie Ave SW, Renton, WA 98057 Phone: 425-251-8880
Email: info@bethmcdaniel.com Web: www.bethmcdaniel.com



LAW OFFICES OF
BETH A MCDANIEL
Professional Limited Liability Company

CONT: OUR STATE'S PROTECTION – OR LACK OF PROTECTION -- OF VULNERABLE ADULTS

exploitation, or neglect of a vulnerable adult has occurred. The following are mandatory reporters: employees of DSHS; law enforcement officers; social workers; professional school personnel; individual providers; operators of a facility or a certified residential services and supports agency; employees of a facility; employees of a social service, welfare, mental health, adult day health, adult day care, home health, home care, hospice, or certified residential services and supports agency; county coroners or medical examiners; Christian Science practitioners; and health care providers.

Permissive reporters include, but are not limited to, employees of financial institutions, attorneys, and volunteers in a facility or program providing services to vulnerable adults.

There are consequences if a mandatory reporter knowingly fails to make a report as, according to the law, they are guilty of a gross misdemeanor. There are also consequences for making a false report as the law states that any individual who intentionally, maliciously, or in bad faith makes a false report is guilty of a misdemeanor.

When a report (referral) is made to APS, an APS investigator may be assigned to investigate and possibly conclude their investigation with a report. When an APS investigator states in their report that a finding of abuse, neglect, or financial exploitation is 'inconclusive,' it means the abuse, neglect, or financial exploitation might have happened, but the evidence was insufficient to definitely prove or disprove the allegation.'

September 2026

272 Hardie Ave SW, Renton, WA 98057 Phone: 425-251-8880
Email: info@bethmcdaniel.com Web: www.bethmcdaniel.com



LAW OFFICES OF
BETH A MCDANIEL
Professional Limited Liability Company

CONT: OUR STATE'S PROTECTION – OR LACK OF PROTECTION -- OF VULNERABLE ADULTS

When an APS investigator concludes in their report concludes that a finding of abuse, neglect, or financial exploitation is 'unsubstantiated,' it means the evidence collected during the investigation was insufficient to show that maltreatment more likely than not occurred.

Facts of the case: Raymond Bell resided in King County. In January 2020, he was diagnosed with dementia. He had other documented health issues such as diabetes, kidney disease, and hypertension. It was documented that Bell's dementia diagnosis was associated with memory problems, significant cognitive challenges, and the inability to independently care for himself. Based upon these health conditions, and Bell's age, he was considered a vulnerable adult under AVAA.

Between February 2020 and July

2021, Adult Protective Services (APS), a subdivision of the Department of Health and Social Services (DSHS) received nine referrals regarding Bell.

1. First Referral: On February 21, 2020, a referral was made to APS as there was concern regarding Bell's ability to regularly take his medications and manage his finances. The referral was assigned to APS investigator ("K. C.").
2. Second Referral: On March 12, 2020, while the first referral was pending, APS received a second referral alleging that Bell may have been financially exploited by an unknown perpetrator who took his car keys, wallet, and jewelry. K. C. was assigned this referral as well. Bell told K. C. he had a friend, Annette Shine, who was being released from prison and would 'take care of him.'

September 2026

272 Hardie Ave SW, Renton, WA 98057 Phone: 425-251-8880
Email: info@bethmcdaniel.com Web: www.bethmcdaniel.com



LAW OFFICES OF
BETH A MCDANIEL
Professional Limited Liability Company

CONT: OUR STATE'S PROTECTION – OR LACK OF PROTECTION -- OF VULNERABLE ADULTS

On March 18, 2020, K.C. interviewed Bell in his home. Bell explained that he was misplacing items and struggling to pay his bills. In her report, K. C. noted that Bell had accepted a referral to a case manager through Aging and Disability Services (ADS) (spoiler: Bell had too many resources to qualify for ADS services). In April 2020, K. C. concluded in her report that the self-neglect claim was inconclusive, and the financial exploitation claim was unsubstantiated.

3. Third Referral. On July 23, 2020, APS received a third referral regarding Bell alleging neglect by Shine. The referral was assigned to investigator A. P. This referral was prompted by Bell's admission to a hospital on July 15, where he was involuntarily held for monitoring after he pulled a knife on Shine. The hospital social

worker expressed to A. P. that she did not believe Shine was acting in Bell's best interest and inquired about APS's obtaining guardianship for Bell. A. P. completed her investigation on August 17, 2023, and concluded that the allegation of neglect by Shine was unsubstantiated and that Bell's behavior was 'due to progression by his dementia and not as a result of poor care by Shine.'

4. Fourth Referral. On August 19, 2020, APS received its fourth referral about Bell alleging financial exploitation by Shine, prompted by Shine's use of Bell's car, allegedly without his permission. APS investigator S. L. completed her investigation on April 14, 2022, finding that the claim of financial exploitation was inconclusive and 'there is contradictory and insufficient evidence to make a clear finding.'

September 2026

272 Hardie Ave SW, Renton, WA 98057 Phone: 425-251-8880
Email: info@bethmcdaniel.com Web: www.bethmcdaniel.com



LAW OFFICES OF
BETH A MCDANIEL
Professional Limited Liability Company

CONT: OUR STATE'S PROTECTION – OR LACK OF PROTECTION -- OF VULNERABLE ADULTS

5. Fifth Referral. On September 25, 2020, APS received its 4th referral regarding Bell, alleging self-neglect for not taking his medications or taking care of personal hygiene. APS investigator L. B. completed her investigation on April 12, 2021, and found that the claim of self-neglect was unsubstantiated.
 6. Sixth Referral. On December 29, 2020, APS received its sixth referral regarding Bell alleging financial exploitation by Shine, following an attempted cash withdrawal, use of an expired identification card, and -- 15-20 minutes later -- an attempt by Shine to cash a check allegedly signed by Bell. L. B. completed her investigation on January 10, 2021, and concluded the claim of financial exploitation was inconclusive.
 7. Seventh Referral. On April 8, 2021, APS received its seventh referral of alleged financial exploitation by Shine. In L. B.'s interview with Bell, Bell alleged that Shine had stolen jewelry from him including 'three gold rings, a gold necklace, and three watches.' Shine told L. B. that Bell had directed her to sell the items at a pawn shop on his behalf and give the proceeds to him; however, Shine could not produce any receipts to support this story. On June 10, 2021, L. B. concluded her report finding that the claim of financial exploitation was inconclusive.
 8. Eight Referral. On June 8, 2021, APS received its eighth referral alleging financial exploitation by Shine. In October, L. B. communicated with one of Bell's neighbors who was concerned about Shine's involvement in the
-

September 2026

272 Hardie Ave SW, Renton, WA 98057 Phone: 425-251-8880
Email: info@bethmcdaniel.com Web: www.bethmcdaniel.com



LAW OFFICES OF
BETH A MCDANIEL
Professional Limited Liability Company

CONT: OUR STATE'S PROTECTION – OR LACK OF PROTECTION -- OF VULNERABLE ADULTS

sale of Bell's home. The neighbor alleged Bell was forced to pack his belongings into a U-Haul and that Shine took Bell's belongings to an unknown exploitation. The neighbor further alleged that the house sold for \$600,000 and that Bell got nothing from the sale.

9. Ninth Referral. On July 6, 2021, APS received its ninth referral regarding Bell which again alleged financial exploitation by Shine. The referral was assigned to S. L. who interviewed the new owner of Bell's former home. The new owner indicated that Bell moved out on June 26, 2021, and that she was concerned that Shine had manipulated Bell into selling his home as he had attempted to gain entry on several occasions and appeared to not know that he no longer owned the property. On November 1, 2021, S. L.

interviewed Shine. Shine told S. L. that Bell took out a \$10,000 loan to help them move out of the house and put things in storage. Shine said that Bell received an initial payment of \$60,000, which he wanted to split with Shine. She told S. L. further that Bell gave her two debit cards that had \$25,000 each on them while he retained \$10,000.00. S. L. completed her report on April 15, 2022, and found that the claim of financial exploitation was inconclusive due to 'insufficient evidence to make a clear finding as to the allegation.'

On February 22, 2022, the University of Washington Medical Center petitioned for a guardianship, conservatorship, or protective arrangement of Raymond Bell, respondent. The petition stated that Bell was likely unable to execute a Durable Power of Attorney and requested the appointment of Clifford Thornton, Bell's nephew, as Bell's guardian and conservator.

September 2026

272 Hardie Ave SW, Renton, WA 98057 Phone: 425-251-8880
Email: info@bethmcdaniel.com Web: www.bethmcdaniel.com



LAW OFFICES OF
BETH A MCDANIEL
Professional Limited Liability Company

CONT: OUR STATE'S PROTECTION – OR LACK OF PROTECTION -- OF VULNERABLE ADULTS

In April 2022, Northstar Case Management was appointed as Bell's certified professional guardian. In May 2023, Northstar filed a complaint on Bell's behalf against DSHS alleging common law and statutory negligence, gross negligence, outrage, and negligent infliction of emotional distress. DSHS responded by seeking a motion of summary judgment to dismiss all claims. Bell agreed to dismiss negligent infliction of emotional distress and common law negligent claims. Bell also filed a motion for partial summary judgment in his favor on the elements of duty and breach for his statutory negligence claim.

On March 4, 2024, the trial court denied Bell's motion and granted DSHS's motion to all claims except for that of outrage. Bell requested appellate review and a stay of

proceedings pending appeal. During the pendency of the appeal, Bell died and Channa Copeland of Northstar Case management, court-appointed personal representative of Bell's estate, was substituted in his place as the Petitioner.

The Appellate Court concluded that AVAA grants to DSHS the authority to investigate referrals of abuse and neglect; however, the law does not mandate that it do so. The Court further concluded that the legislative did not grant individuals the ability to seek a cause of action against DSHS for negligent investigation and failure to provide investigative services.

Takeaways:

- 1. Report to APS but have no expectations.** Although it is important (if not mandated for some) to report alleged abuse, neglect, or financial exploitation of

September 2026

272 Hardie Ave SW, Renton, WA 98057 Phone: 425-251-8880
Email: info@bethmcdaniel.com Web: www.bethmcdaniel.com



LAW OFFICES OF
BETH A MCDANIEL
Professional Limited Liability Company

CONT: OUR STATE'S PROTECTION – OR LACK OF PROTECTION -- OF VULNERABLE ADULTS

a vulnerable adult to APS, there should be no expectation that APS will take action to protect the vulnerable adult or timely complete an investigation.

2. State Law Does not Give APS the Power to Seek a Protection Order on behalf of a Vulnerable Adult. A protection order under AVAA can protect a vulnerable adult from an abuser or exploiter. Under Washington state law, such a protection order can be sought by a vulnerable adult or an interested person on behalf of a vulnerable adult. The law does not give APS the ability to seek a protection order on behalf of a vulnerable adult.

3. Under state law, APS is required to report alleged abandonment, abuse, financial or neglect, immediately to the appropriate law enforcement agency. Bell's alleged financial exploitation was

not reported to the law enforcement agencies by APS as APS apparently did not believe such exploitation occurred or could be proved.

4. APS may file guardianship, conservatorship, or other protective proceedings. It is perplexing as to why APS did not file a guardianship petition on behalf of Bell other than that they concluded abuse and financial exploitation did not occur or could not be proved.

5. Report Abuse, Neglect, and Financial Exploitation to Law Enforcement Authorities. If you witness or receive a good faith report of abuse, neglect, or financial exploitation of a vulnerable adult, it should be reported not only to APS, but also to law enforcement authorities through 911 or an in-person report. Yes, law enforcement authorities may refer the matter

September 2026

272 Hardie Ave SW, Renton, WA 98057 Phone: 425-251-8880
Email: info@bethmcdaniel.com Web: www.bethmcdaniel.com



LAW OFFICES OF
BETH A MCDANIEL
Professional Limited Liability Company

CONT: OUR STATE'S PROTECTION – OR LACK OF PROTECTION -- OF VULNERABLE ADULTS

to APS and take no further action; however, making a report to law enforcement authorities also makes it possible that they will do an independent investigation.

6. Get Agents and Documents in Place Now. It is truly important to get documents like Durable Powers of Attorneys and possibly a trust in place now – and keep them updated -so that if you become vulnerable, you have put trusted individuals in place who can assist you with your health care decisions and financial decisions should you need such assistance.

Indeed, what occurred to Bell is disappointing and unbelievably sad. It demonstrates the need to change the laws in our state to better protect vulnerable adults and highlights the importance of taking steps now to better protect ourselves and loved ones.

Disclaimer: this newsletter is informational only and should not be construed as legal advice.
