



AB 859, Eggman, Protecting Seniors Abused by Nursing Homes

What is AB 859, and why do we need it?

AB 859 makes it easier for seniors abused in nursing homes to seek redress in civil court by reducing the burden of proof from "clear and convincing evidence" to a more easily-proved "preponderance of evidence," if the nursing home has destroyed or tampered with the evidence of abuse.

California's Elder Abuse and Dependent Adult Civil Protection Act, is broad enough to protect seniors and dependent adults from physical abuse, neglect, abandonment, isolation, abduction, or other treatment resulting in physical harm or pain or mental suffering. Families and attorneys of abused nursing home residents often turn to civil courts to seek redress. but to win, they must show "clear and convincing" evidence, which can be difficult to prove.

Unfortunately, some nursing homes intentionally destroy legal evidence after the abused person files civil suit. Currently, the elder or his family is still forced to show clear and convincing evidence of abuse, but cannot if the evidence was destroyed.

AB 859, states that if a judge finds that a nursing home has intentionally destroyed legal evidence, the victim's burden of proving the case is by more-easily proved "preponderance of evidence" standard, and not the more difficult "clear and convincing" standard.

AB 859 is sponsored by Consumer Attorneys of California (CAOC) and the California Alliance for Retired Americans (CARA).

Where is AB 859 in the legislative process?

AB 859 is in the Senate Judiciary Committee, with a hearing Tuesday, July 18, at 1:30 PM in Room 112.

What Can You Do to Help Pass AB 859?

Please contact members of the Senate Judiciary Committee (contacts below), to tell them:

- California's increasing population of frail seniors and dependent adults must be protected in nursing homes.
- Nursing homes must stop being rewarded for destroying or tampering with evidence of abusive practices.

Senate Judiciary Committee, updated 6-30-2017					
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17	Bill	Monning	D	651-4017	651-4917
27	Henry	Stern	D	651-4027	651-4927
18	Robert	Hertzberg	D	651-4018	651-4918
19	Hanna-Beth	Jackson	D (chair)	651-4019	651-4919
37	John	Moorlach	R(v-chair)	651-4037	651-4937
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