



CONSUMER ATTORNEYS OF CALIFORNIA

Seeking Justice for All

Abused seniors protected from unscrupulous nursing homes under CAOC-sponsored bill

California Senate passes AB 859

SACRAMENTO (September 6, 2017) – The California Senate approved a bill today that would give elderly nursing home patients who have been physically abused a better chance to secure justice when a facility intentionally destroys legal evidence of harm.

[Assembly Bill 859](#), authored by Assemblymember Susan Eggman (D-Stockton) and co-sponsored by the California Alliance of Retired Americans and the Congress of California Seniors now heads back to the Assembly for concurrence on amendments introduced in the Senate.

Normally a victim of elder abuse must show “reckless neglect” by clear and convincing evidence, a relatively high legal standard. Under AB 859, when a judge finds that a nursing home has, in order to prevent victims from proving their case, intentionally destroyed legal evidence they were specifically required to preserve, the victim’s burden of proving the case is reduced to a preponderance-of-evidence standard. The destroyed evidence must be “materially prejudicial” to the case.

“It’s outrageous that abused seniors and their families have been penalized in their quest for justice when nursing homes and assisted living facilities destroy evidence of wrongdoing,” said Greg Bentley, Consumer Attorneys of California president. “AB 859 will give the elderly a better shot at holding bad facilities accountable. This is an important safety protection for California’s most vulnerable.”

Consumer Attorneys of California is a professional organization of plaintiffs’ attorneys representing consumers seeking accountability against wrongdoers in cases involving personal injury, product liability, environmental degradation and other causes.

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