



CONSUMER ATTORNEYS OF CALIFORNIA

Seeking Justice for All

Protecting the vulnerable elderly in emergencies

*SB 314
Senator
Bill Dodd*

SUMMARY OF THE BILL

SB 314 would clarify existing law by specifying that “abandonment” is included all sections of the Elder Abuse and Dependent Adult Civil Protection Act (EADACPA) (W&IC 15657).

BACKGROUND

California became one of the first states in the nation to enact a comprehensive law providing civil protections to vulnerable older citizens with the passage more than a quarter century ago of the Elder Abuse and Dependent Adult Civil Protection Act. EADACPA covers physical abuse, neglect, financial abuse, abandonment, isolation, abduction or other treatment resulting in physical harm, pain or mental suffering. Under existing law, “abandonment” means the desertion or willful forsaking of an elder or a dependent adult by anyone having care or custody of that person under circumstances in which a reasonable person would continue to provide care and custody. (W&IC 15610.05).

In 2018 the Department of Social Services placed two large assisted living facilities (RCFEs) in Santa Rosa on probation after investigations found that they abandoned large numbers of residents during the North Bay wildfire. At least 20 frail elderly residents would have died had family members and emergency responders not arrived to rescue them before one of the facilities burned to the ground.

About 150,000 California elders live in assisted living facilities. Many are not able to protect themselves during emergencies due to dementia, physical disabilities, chronic illnesses and



frail health. Their lives are entirely in the hands of facility owners, administrators and caregivers.

PROBLEM

“Abandonment” is not included in the enhanced remedies section of the EADACPA. Just like

California’s definition for elder abuse has evolved over the years, the Act itself should be updated to reflect our modern view of elder abuse.

SOLUTION

Updating the Enhanced Remedies section of the Elder Abuse and Dependent Adult Civil Protection Act in order to include “abandonment” will incentivize better practices in emergency situations by assisted living facilities. Seniors and persons with disabilities must be protected with a robust and comprehensive act that reflects today’s reality for seniors living in these facilities.

SPONSORS

Consumer Attorneys of California
California Advocates for Nursing Home Reform (CANHR)

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