



# CONSUMER ATTORNEYS OF CALIFORNIA

*Seeking Justice for All*

## Bill protecting abused seniors from unscrupulous nursing homes wins final legislative approval

AB 859, which eases the burden of proof for seniors when a nursing home destroys evidence of harm, goes to the desk of Gov. Jerry Brown

**SACRAMENTO (September 13, 2017)** – A bill 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 is on its way to Gov. Jerry Brown’s desk.

[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, won Assembly approval despite a full-court press by industry foes.

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 intentionally destroyed evidence to avoid culpability, the victim’s burden of proving the case is reduced to a preponderance-of-evidence standard.

“This is a good victory for California’s growing elderly population,” said Greg Bentley, Consumer Attorneys of California president. “AB 859 will give our seniors a better shot at holding bad facilities accountable. We urge Gov. Brown to back this important safety protection for some of California’s most vulnerable citizens.”

*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.*

### **For more information:**

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