



Senior home residents abandoned in California wildfires inspire new elder abuse legislation

SB 314 will lead to better practices in emergencies

SACRAMENTO (Feb. 19, 2019) – The tragedy of seniors abandoned at their care facility during the October 2017 Wine Country wildfire has inspired proposed legislation that would give assisted living facilities more incentive to protect their residents in emergency situations.

Senate Bill 314 by Sen. Bill Dodd (D-Napa), sponsored by Consumer Attorneys of California and California Advocates for Nursing Home Reform, would update the Enhanced Remedies section of the Elder Abuse and Dependent Adult Civil Protection Act (EADACPA) to include all activity that would amount to elder abuse. SB 314 would expand on the existing legal liability faced by those who hurt or allow harm to elderly dependents.

While the Tubbs Fire was closing in on two Santa Rosa senior homes in 2017, 100 elderly residents were left behind. They survived only after being rescued by family members and emergency responders. One of the facilities burned to the ground, and it's likely dozens of residents would have died without the efforts of rescuers

Existing law covers “physical abuse, neglect, financial abuse, abandonment, isolation, abduction or other treatment resulting in physical harm, pain or mental suffering,” but “abandonment” is not mentioned in the Act’s Enhanced Remedies section. Under SB 314, all activities included in the definition of elder abuse would be included in the Enhanced Remedies section.

“It seems unfathomable that care facility would abandon those they have been charged to protect in the face of a life-or-death situation, but now that we know it can happen, we must make sure those facilities are motivated to care for their residents,” said Consumer Attorneys of California president Mike Arias. “With California’s senior population growing rapidly, and the risk of natural disasters rising, it’s vital that we take more steps to protect our seniors.”

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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