

Legislative Update - New Laws beginning 2014

CANHR Sponsored

AB 140 (Dickinson): Undue Influence

This bill defines undue influence as excessive persuasion that causes another person to act or refrain from acting in a manner that results in an unfair outcome. In determining whether the outcome was produced by undue influence, the vulnerability of the victim, the influencer's apparent authority, the actions or tactics used by the influencer, and the equity of the result shall be considered.

Status: signed by the Governor.

Section 86 is added to the Probate Code

Section 15610.70 of the Welfare and Institutions Code,

SB 272 (Corbett): Advertising: military endorsements

This bill prohibits any nongovernmental entity to use a seal or emblem to imply any connection or endorsement of any federal or state military, veteran or Veterans Service Organization (VSO), without approval, for the purpose of financial gain.

This would apply to advertising or promotion of events or products, without permission. **Status: signed by the Governor.**

Section 17533.6 of the Business and Professions Code

CANHR Support

AB 381 (Chau): Estates and Trusts: Undue Influence

Allows the courts to award attorney fees to elders and dependent adults who are victimized by someone using a power of attorney in bad faith to commit elder financial abuse. Although current law awards damages to victims of misappropriation, theft or the bad faith misuse of a power of attorney. many victims cannot afford legal action to try to recoup what's been stolen from them. The ability to recoup attorney's fees and costs if they are successful makes legal recourse possible. **Status: Signed by the Governor.**

Section 4231.5 of the Probate Code

AB 937 (Wieckowski): Conservatee Rights

This bill provides that the conservator's control of the conservatee shall not extend to personal rights retained by the conservatee, including, but not limited to, the right to receive visitors, telephone calls, and personal mail, unless specifically limited by a court order. **Status: Signed by the Governor.**

Section 2351 of the Probate Code.