



FACT SHEET • AB 2619 (Block) Elder Financial Abuse

Summary:

This bill would give victims of elder and dependant adult financial abuse priority over other wage garnishment earnings assignment orders, except orders for spousal and child support. This allows victims of elder and dependant adult financial abuse, who are victorious in court but unable to collect from the defendant, a better opportunity to collect restitution through wage garnishments.

Problem:

Victims of elder and dependant adult financial abuse who are awarded a money judgment in court have trouble collecting their restitution if the defendant has already spent the money they defrauded from the elder or dependant adult and cannot otherwise pay the judgment. But if the defendant is employed, the victim can secure a garnishment on the defendant's wages.

Under existing law, when an employer is served with more than one earnings withholding order, the employer must comply with the order entered first. If another creditor files their earnings withholding order before the victim of elder or dependant adult financial abuse, the victim will be unable to collect their judgment until the other creditor has collected all of their money—a process that could take a very long time depending on the size of the debt and the defendant's paycheck. Meanwhile, the victims of elder and dependant adult financial abuse must wait, often years to collect the damages, attorney's fees, and costs owed to them.

Solution:

This bill defines an "earnings assignment order for elder abuse restitution" for victims of elder and dependant adult financial abuse. The bill would move elder abuse restitution to the front of the line for earnings withholding orders, ahead of other creditors, similar to the way that spousal and child support orders have priority over all other earnings withholding orders. However, if both an earnings assignment order for support and an order for elder abuse restitution are both served on an employer, the order for support will still take priority.

This bill will assist victims of elder and dependant adult financial abuse to collect, in a timely manner, the restitution needed to make them whole again.

For More Information:

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