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SB-1065 Dismissal or denial of petitions to compel arbitration: appeals: Elder and Dependent Adult Civil Protection Act. (2015-2016)

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Senate Bill No. 1065

CHAPTER 628

An act to add Section 1294.4 to the Code of Civil Procedure, relating to arbitration.

[Approved by Governor September 25, 2016. Filed with Secretary of State September 25, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1065, Monning. Dismissal or denial of petitions to compel arbitration: appeals: Elder and Dependent Adult Civil Protection Act.

Existing law, the Elder and Dependent Adult Civil Protection Act, establishes various procedures for the reporting, investigation, and prosecution of elder and dependent adult abuse, and it sets forth specific provisions governing civil actions arising from the abuse of elderly or dependent adults. Existing law permits a party to a civil action who is over 70 years of age to petition the court for preference under certain circumstances. Under existing law, an aggrieved party may appeal certain orders and judgments, including an order dismissing or denying a petition to compel arbitration. Existing law specifies the time in which specified actions must occur during an appeal.

This bill would require the court of appeal, in an appeal of an order dismissing or denying a petition to compel arbitration involving a claim under the Elder and Dependent Adult Civil Protection Act in which a party has been granted a court preference, to issue its decision no later than 100 days after the notice of appeal is filed, except as specified. This bill would require the Judicial Council, no later than July 1, 2017, to adopt rules implementing this provision and shortening the time within which a party may file a notice of appeal in these cases.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

- (a) Elders and dependent adults are vulnerable to abuse, neglect, or abandonment and this state has a responsibility to protect these persons.
- (b) This state has enacted special protections for elderly persons, including the Elder and Dependent Adult Civil Protection Act (Chapter 11 (commencing with Section 15600) of Part 3 of Division 9 of the Welfare and Institutions Code).
- (c) This state has also enacted Section 36 of the Code of Civil Procedure, under which a party to a civil action who is over 70 years of age may petition the court for a preference.
- (d) The Legislature, therefore, consistent with the joint goals of the Elder and Dependent Adult Civil Protection Act and Section 36 of the Code of Civil Procedure, wishes to enact a limited expedited appeal process for a person filing a claim arising under the

Elder and Dependent Adult Civil Protection Act who has received a court preference to expedite the claim.

SEC. 2. Section 1294.4 is added to the Code of Civil Procedure, to read:

1294.4. (a) Except as provided in subdivision (b), in an appeal filed pursuant to subdivision (a) of Section 1294 involving a claim under the Elder and Dependent Adult Civil Protection Act (Chapter 11 (commencing with Section 15600) of Part 3 of Division 9 of the Welfare and Institutions Code) in which a party has been granted a preference pursuant to Section 36 of this code, the court of appeal shall issue its decision no later than 100 days after the notice of appeal is filed.

(b) The court of appeal may grant an extension of time in the appeal only if good cause is shown and the extension will promote the interests of justice.

(c) The Judicial Council shall, on or before July 1, 2017, adopt rules of court to do both of the following:

(1) Implement subdivisions (a) and (b).

(2) Establish a shortened notice of appeal period for the cases described in subdivision (a).