

## CALIFORNIA LAW GUIDE

# Elder Financial Abuse in California: The Laws, Remedies and Deadlines

*Every California statute, remedy and deadline for elder financial abuse, in plain English.*

By Eric Ridley, attorney, Ridley Law · Updated September 2026 · Read online with live links: [ridleylawoffices.com/elder-financial-abuse-california/](https://ridleylawoffices.com/elder-financial-abuse-california/)

**Short answer:** In California, elder financial abuse is taking, hiding, keeping or using the money or property of someone 65 or older (or a dependent adult) for a wrongful use, with intent to defraud, or by undue influence (Welf. & Inst. Code § 15610.30). It's both a civil wrong and a crime. A civil claim can recover the property, attorney fees, and in serious cases pain and suffering and punitive damages; the Probate Code can double the recovery and cut the wrongdoer out of the estate. The deadline is generally four years from discovery.

**\$1.40B**

lost by Californians 60+ in complaints to the FBI in 2025, the most of any state (IC3)

**76,147**

financial abuse allegations to California APS, FFY 2024-25 (CDSS SOC 242)

**~40%**

of elder theft cases in bank reports involved adult children (FinCEN, 2024)

**4 years**

to sue, from discovery (W&I § 15657.7)

**2x**

damages available under Prob. Code § 859

**\$950**

the line between misdemeanor and possible felony theft (Penal Code § 368)

Most of the elder financial abuse I see in estate and trust work isn't a stranger on the phone. It's a child with a power of attorney, a caregiver who becomes a trust beneficiary, or a new friend who ends up on a deed. California has one of the strongest set of laws in the country for this.

## What counts as elder financial abuse in California?

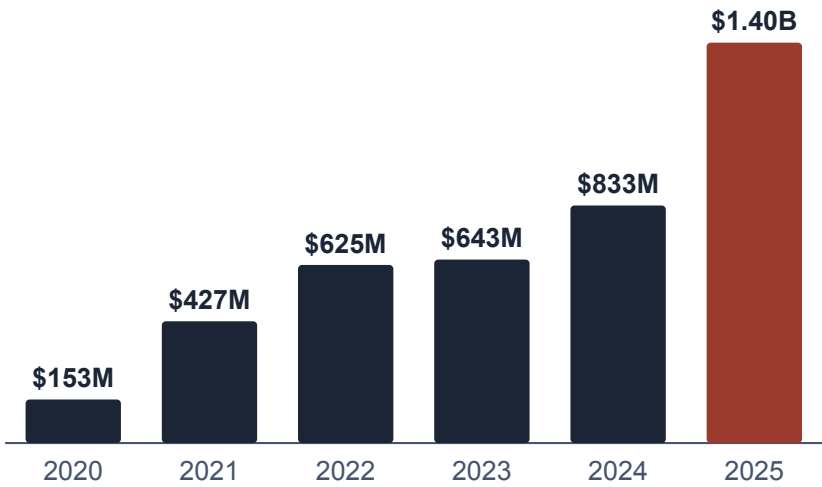
Under Welfare and Institutions Code § 15610.30, financial abuse happens when a person or entity takes, secretes, appropriates, obtains or retains an elder's real or personal property for a wrongful use, with intent to defraud, or by undue influence, or helps someone else do it.

- ✓ **Who is protected.** An "elder" is anyone 65 or older who lives in California (W&I § 15610.27). A "dependent adult" is 18 to 64 with physical or mental limitations that restrict normal activities or the ability to protect their rights (§ 15610.23).
- ✓ **Wrongful use.** It's enough that the person knew or should have known the conduct was likely to harm the elder (§ 15610.30(b)). Intent to defraud isn't required.
- ✓ **"Takes" is broad.** It includes depriving an elder of a property right by an agreement, a donative transfer, or a testamentary bequest, whether or not the property is held by someone acting for the elder (§ 15610.30(c)). The Court of Appeal held an unperformed agreement counts (*Bounds v. Superior Court* (2014) 229 Cal.App.4th 468). In another case, insurance agents were alleged to have churned an elderly couple's trust-owned life insurance to earn new commissions, and the court held that using the trust to "separate the Mahans from their money" could be a taking (*Mahan v. Charles W. Chan Ins. Agency, Inc.* (2017) 14 Cal.App.5th 841).
- ✓ **Undue influence** means excessive persuasion that overcomes free will and causes inequity. Courts weigh the victim's vulnerability, the influencer's apparent authority, the tactics used, and the fairness of the result, and an unfair result alone isn't enough (§ 15610.70). The Probate Code uses the same definition for wills and trusts (Probate Code § 86).

There are limits. In a contract dispute, an insurer that denies a claim commits "wrongful use" only if it actually knows it's committing a harmful breach (*Paslay v. State Farm General Ins. Co.* (2016) 248 Cal.App.4th 639). A bad deal isn't automatically abuse.

## How common is elder financial abuse in California?

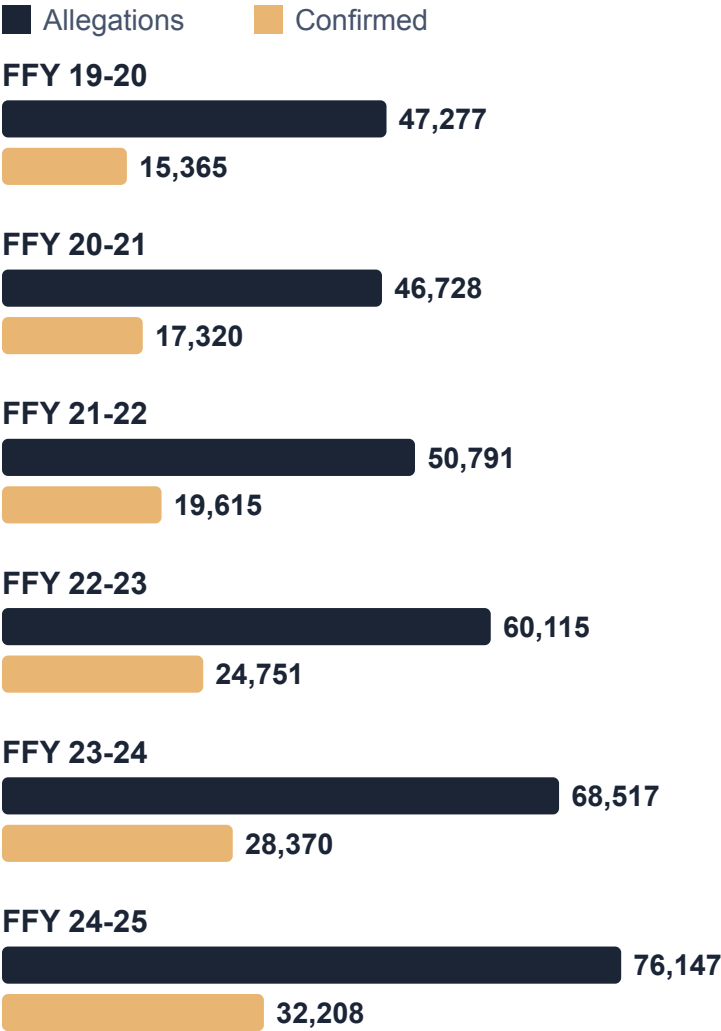
Californians 60 and older reported \$1.40 billion in losses to the FBI's Internet Crime Complaint Center in 2025, more than any other state, up from \$153 million in 2020.



| Year | California victims 60+ (count) | Reported losses | Source                      |
|------|--------------------------------|-----------------|-----------------------------|
| 2020 | 12,534                         | \$152,644,032   | IC3 Elder Fraud Report 2020 |

| Year | California victims 60+ (count) | Reported losses | Source                      |
|------|--------------------------------|-----------------|-----------------------------|
| 2021 | 12,951                         | \$427,263,948   | IC3 Elder Fraud Report 2021 |
| 2022 | 11,517                         | \$624,509,520   | IC3 Elder Fraud Report 2022 |
| 2023 | 11,622                         | \$643,230,534   | IC3 Elder Fraud Report 2023 |
| 2024 | 18,091                         | \$832,710,048   | IC3 Annual Report 2024      |
| 2025 | 22,157                         | \$1,403,975,911 | IC3 Annual Report 2025      |

These are self-reported complaints to the FBI, and age is optional on the form, so the real numbers are higher. IC3 counted "victims" through 2022 and "complaints" from 2023 ([IC3 2025](#); [2024](#); [2023](#); [2022](#); [2021](#); [2020](#)). Nationally, IC3 reported 201,266 complaints from people 60 and older in 2025, with an average loss of \$38,500. County Adult Protective Services agencies see the family side. Financial abuse allegations rose from 47,277 to 76,147 in five years, and the share confirmed rose from 32.5% to 42.3% ([California Department of Social Services, SOC 242 reports](#); our sums of the statewide rows).



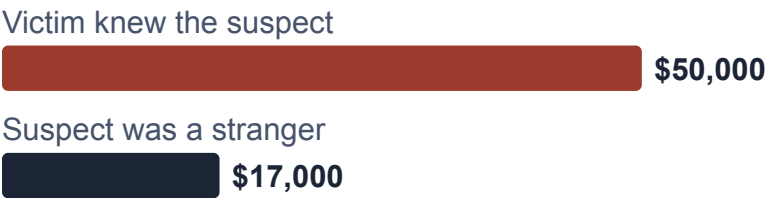
| Federal fiscal year | Financial abuse allegations | Confirmed | Share confirmed |
|---------------------|-----------------------------|-----------|-----------------|
| FFY 19-20           | 47,277                      | 15,365    | 32.5%           |
| FFY 20-21           | 46,728                      | 17,320    | 37.1%           |
| FFY 21-22           | 50,791                      | 19,615    | 38.6%           |
| FFY 22-23           | 60,115                      | 24,751    | 41.2%           |
| FFY 23-24           | 68,517                      | 28,370    | 41.4%           |
| FFY 24-25           | 76,147                      | 32,208    | 42.3%           |

Not every county reported every month in some years, and an allegation isn't a victim. Our [county-by-county elder financial abuse data](#) breaks these numbers out for all 58 counties.

## Who commits elder financial abuse?

Usually someone the victim knows and trusts: banks reported adult children as the perpetrators of elder theft in nearly 40 percent of cases FinCEN reviewed, and losses are about three times larger when the victim knows the suspect.

FinCEN's 2024 analysis of bank suspicious activity reports filed from June 2022 to June 2023 found 155,415 elder exploitation reports tied to more than \$27 billion in suspicious activity, including attempts ([FinCEN](#)). The Consumer Financial Protection Bureau's study of 2013 to 2017 reports found the average loss was about \$50,000 when the older adult knew the suspect and \$17,000 when the suspect was a stranger ([CFPB](#)).



In trust and estate work, it's usually an agent under a power of attorney who pays personal bills from a parent's account, a caregiver named as a new beneficiary, a sibling who "helps" with a refinance, or a new romantic partner added to the title. Scams by strangers are real too, and they now start online more often than not. Some of it is legal but costly selling, like the [infinite banking pitch](#) for whole life insurance.

## What can a victim recover for elder financial abuse?

A successful claim can recover the property or its value plus mandatory attorney fees, and depending on the proof, pain and suffering after death, punitive damages, double damages under the Probate Code, and disinheritance of the wrongdoer.

| Remedy                                      | Where it comes from                     | What you have to prove                                                                                                                  |
|---------------------------------------------|-----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| Return of the property, or its value        | W&I § 15657.5; Prob. Code § 850         | Financial abuse by a preponderance of the evidence                                                                                      |
| Reasonable attorney fees and costs          | W&I § 15657.5(a)                        | Financial abuse by a preponderance; mandatory once liability is found (Arace)                                                           |
| Pain and suffering after the elder dies     | W&I § 15657.5(b)                        | Recklessness, oppression, fraud or malice by clear and convincing evidence                                                              |
| Punitive damages                            | Civ. Code § 3294; W&I § 15657.5(c), (d) | Malice, oppression or fraud by clear and convincing evidence; an extra showing against an employer                                      |
| Double the value taken                      | Prob. Code § 859                        | Bad faith, undue influence or elder financial abuse (courts split on bad faith)                                                         |
| Up to three times a civil penalty or fine   | Civ. Code § 3345                        | Only in actions for unfair or deceptive practices, with listed findings                                                                 |
| Wrongdoer treated as having died first      | Prob. Code § 259                        | Clear and convincing proof of abuse, bad faith and recklessness, oppression, fraud or malice, plus the decedent's lasting vulnerability |
| Agent under a power of attorney pays double | Prob. Code § 4231.5(c)                  | Bad faith or elder financial abuse by the agent                                                                                         |

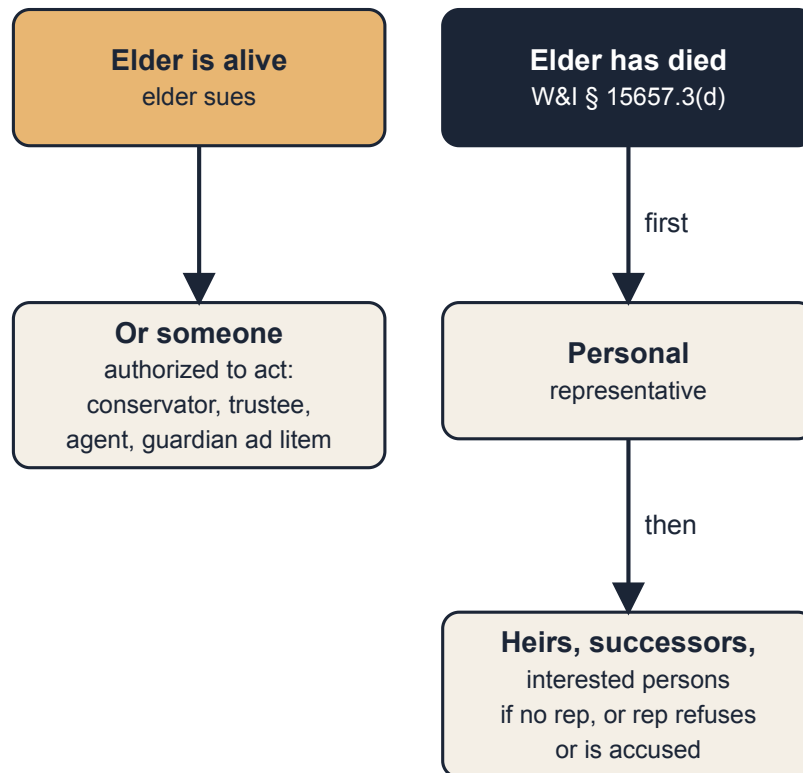
The details matter:

- ✓ **Attorney fees.** Once financial abuse is proved, the court shall award reasonable attorney fees and costs (W&I § 15657.5(a)). The Court of Appeal called the provision "not discretionary in nature" (*Arace v. Medico Investments, LLC* (2020) 48 Cal.App.5th 977). Fee shifting is why families can afford to bring these cases.
- ✓ **Pain and suffering after death.** Normally a survival claim can't recover the decedent's pain and suffering. With clear and convincing proof of recklessness, oppression, fraud or malice, the limits in Code Civ. Proc. § 377.34 don't apply (§ 15657.5(b)), and § 377.34 itself says it doesn't affect Elder Abuse Act claims. The Supreme Court described these enhanced remedies as aimed at "especially egregious elder abuse" (*Covenant Care, Inc. v. Superior Court* (2004) 32 Cal.4th 771).
- ✓ **Double damages.** Probate Code § 859 lets a court award twice the value of property wrongfully taken by bad faith, undue influence, or elder financial abuse, in addition to the property itself (*Asaro v. Maniscalco* (2024) 103 Cal.App.5th 717). The Courts of Appeal disagree about bad faith. *Levin v. Winston-Levin* (2019) 39 Cal.App.5th 1025 held that double damages for undue influence require bad faith. *Keading v. Keading* (2021) 60 Cal.App.5th 1115 disagreed with that reasoning and held no separate bad-faith finding is needed when the property was taken through elder financial abuse. Until the Supreme Court settles it, plead and prove bad faith.
- ✓ **Disinheritance.** A person is treated as having died before the decedent, and takes nothing, if it's proved by clear and convincing evidence that they committed financial abuse, they're found to have acted in bad faith and with recklessness, oppression, fraud or malice, and the decedent was substantially unable to manage their finances or resist undue influence from then until death (Prob. Code § 259(a)). A conviction under Penal Code § 368 also qualifies (§ 259(b)).

- ✓ **Treble penalties.** Civil Code § 3345 can triple a fine or penalty, but only in actions to redress unfair or deceptive practices against seniors, disabled persons or veterans, and only with specific findings. It isn't automatic in every elder abuse case.
- ✓ **Return on demand.** If an elder lacks capacity, someone holding the elder's property must return it on demand, or face the Act's remedies (W&I § 15657.6).

## Who can sue for elder financial abuse?

The elder can sue while alive; after death, the personal representative can, and if there isn't one, or the representative refuses or is the wrongdoer, an heir, successor in interest or interested person can.



While a parent is alive, an adult child can't sue on the parent's behalf just because they're family. The child needs authority to act, such as being the parent's conservator, trustee, attorney-in-fact or guardian ad litem (*Tepper v. Wilkins* (2017) 10 Cal.App.5th 1198). After death, standing follows W&I § 15657.3(d), and a trust beneficiary can qualify as an interested person (*Asaro*, above). That's one more reason a well-drafted durable power of attorney matters: it puts someone in a position to act before the money is gone.

## How long do you have to sue for elder financial abuse in California?

Four years from when the plaintiff discovered, or reasonably should have discovered, the facts that make up the financial abuse (W&I § 15657.7).

In *Asaro*, the court held the four years were tolled while the victim was incapacitated, and the discovery rule applied on top of that. Other deadlines can run much faster. A beneficiary who receives a trust notice under Probate Code § 16061.7 generally has 120 days to contest the trust ([trust contest deadlines](#)), and an elder abuse theory doesn't automatically extend that. If a trust or estate is involved, assume the shortest deadline applies until a lawyer tells you otherwise.

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## Is elder financial abuse a crime in California?

Yes. Under Penal Code § 368(d) and (e), theft, embezzlement, forgery, fraud or identity theft against an elder is a misdemeanor at \$950 or less and can be charged as a felony above \$950, with up to four years in custody.

The same penalties apply whether the person is a caretaker or not, as long as they knew or reasonably should have known the victim was an elder. A "caretaker" includes anyone who stands in a position of trust with the elder. On conviction, the court must consider a protective order lasting up to 10 years ([Penal Code § 368](#)). Local and state police share jurisdiction, and Adult Protective Services can assist, but criminal investigation belongs to law enforcement ([§ 368.5](#)). For large frauds, Penal Code § [186.11](#) adds prison time and lets prosecutors seek to freeze assets before trial.

A criminal case and a civil case can run side by side, and a conviction under § 368 can also bar the wrongdoer from inheriting under Probate Code § 259(b).

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## Can a restraining order stop elder financial abuse?

Yes. An elder or dependent adult abuse restraining order under W&I § 15657.03 can be based on financial abuse, and it can order the abuser to stay away, stop contact, and leave the elder's home.

"Abuse" for these orders includes financial abuse (W&I § [15610.07\(a\)\(3\)](#)). The statute was amended effective January 1, 2026 (W&I § [15657.03](#)). It lists conduct orders. It doesn't list an order freezing bank accounts, so recovering money usually takes a civil claim or a Probate Code § 850 petition.

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## Do banks have to report elder financial abuse?

Yes. Every officer and employee of a California bank or credit union is a mandated reporter of suspected elder financial abuse and must report to Adult Protective Services or police, with a written report within two working days.

- ✓ **The duty and the penalty.** Failing to report carries a civil penalty of up to \$1,000, or \$5,000 if willful, paid by the bank, and only the Attorney General, a district attorney or county counsel can sue for it (W&I § [15630.1](#)). Families can't sue a bank for failing to report (*Das v. Bank of America, N.A.* (2010) 186 Cal.App.4th 727). A bank can be liable for assisting abuse only if it actually knew of it.

- ✓ **Refusing a suspect agent.** After reporting, a bank may refuse to honor a power of attorney as to the agent suspected of the abuse (§ 15630.1(j)).
- ✓ **New in 2026.** AB 871, signed September 20, 2026, adds a report to the FBI's Internet Crime Complaint Center within two working days and notice to the elder, operative January 1, 2028 ([AB 871](#), [Stats. 2026, ch. 360](#)).
- ✓ **Banks can't hold transactions under California law.** No California statute lets a bank or credit union delay a suspicious withdrawal. A bill to allow a three-day hold, SB 278, was vetoed in 2024 ([veto message](#)).
- ✓ **Brokerage firms can.** Broker-dealers and investment advisers may temporarily delay a disbursement after reporting (W&I § 15630.2; [FINRA Rule 2165](#)), and they must try to get a trusted contact person for each account ([FINRA Rule 4512](#)). The federal Senior Safe Act protects trained employees who report in good faith ([12 U.S.C. § 3423](#)).

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## How does elder financial abuse show up in trusts and estates?

Mostly through last-minute changes: a new trust amendment, a deed, a beneficiary designation or a power of attorney that benefits the person closest to a declining parent.

The Elder Abuse Act reaches testamentary gifts directly, because "takes" includes a testamentary bequest. The Probate Code adds its own presumption: a gift to a care custodian of a dependent adult, or to the person who drafted or transcribed the document, is presumed to be the product of fraud or undue influence (Prob. Code § 21380; [how the § 21380 presumption works](#); [gifts to caregivers](#)). In *Newell v. Superior Court* (2024) 107 Cal.App.5th 728, a family challenging an amendment that made a caregiver the sole trustee and beneficiary was allowed to keep a lis pendens on the house while the case proceeded.

Property taken from a trust or estate can be recovered by petition under Probate Code § 850 ([how a § 850 petition works](#)). A trustee who helped themselves can be removed ([removing a trustee](#)) and surcharged. For how these claims overlap with a trust contest, see [financial elder abuse and trust contests](#).

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## What should you do if you suspect elder financial abuse?

Report it, preserve the records, and get control of the accounts through the authority you already have, before more money moves.

### 1 Report it

Call your county Adult Protective Services. California's statewide line, 1-833-401-0832, routes you to the county by ZIP code, 24 hours a day ([CDSS](#)). If money is being stolen now, call the police too. The [Attorney General](#) and [DFPI](#) take complaints about financial companies.

**2 Preserve the evidence**

Download bank and brokerage statements, copy checks, save texts and emails, and get copies of any new deeds, powers of attorney, trust amendments and beneficiary forms.

**3 Use the authority you have**

An agent under a [power of attorney](#) or a successor trustee can change passwords, add alerts, and move accounts. Tell the bank in writing about the suspected abuse; that gives it grounds to refuse the suspect agent.

**4 Demand an accounting**

A trustee owes beneficiaries information and an accounting ([what § 16062 requires](#)). If one isn't produced, a court can compel it.

**5 Get a lawyer involved early**

Petition work, like compelling an accounting, removing a trustee or recovering property under § 850, is part of my practice. Contested undue influence and elder abuse lawsuits, and anything headed to trial, go to litigation counsel; I refer those at no charge to you.

If a parent can no longer manage their finances and never signed a power of attorney, a conservatorship may be the only way to step in. I do not handle conservatorship proceedings. My practice is the planning that avoids them: durable powers of attorney, advance health care directives, and living trusts. If your family already needs a conservatorship, I can refer you to counsel who handles those cases.

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## How can you protect a parent from elder financial abuse before it happens?

Put the right people in charge on paper while your parent can still sign, and build in someone who watches the watcher.

- ✓ **A durable power of attorney with a successor agent** and, where it fits, a requirement that the agent account to a second person. Agents who abuse their authority owe double the value taken (Prob. Code § [4231.5](#)).
- ✓ **A living trust with a co-trustee or a trust protector** for a parent showing signs of decline. See [incapacity planning in California](#).
- ✓ **A trusted contact at every brokerage account** under FINRA Rule 4512, and a backup person to receive life insurance lapse notices.
- ✓ **No joint accounts or deeds "for convenience."** Adding a child to title gives that child ownership rights and exposes the asset to the child's creditors.
- ✓ **Capacity documentation** when a plan is signed late in life, so a later change can be defended or challenged on the record ([capacity documentation](#)).

## Frequently Asked Questions

### **What is the age for elder financial abuse in California?**

65. Welfare and Institutions Code § 15610.27 defines an elder as a California resident 65 or older. Adults 18 to 64 with qualifying limitations are protected as dependent adults.

### **Is taking money from a parent with a power of attorney elder abuse?**

It can be. An agent may use the parent's money only for the parent's benefit and within the authority the document grants. Using it for the agent's own benefit can be financial abuse under W&I § 15610.30 and makes the agent liable for double the value under Probate Code § 4231.5 if done in bad faith or as elder abuse.

### **Can I sue my sibling for elder financial abuse after our parent died?**

Usually through the personal representative of the estate. If there isn't one, or the representative is the sibling accused, an heir, successor in interest or interested person can bring the claim under W&I § 15657.3(d). The four-year deadline under § 15657.7 still applies.

### **Do you get attorney fees in an elder financial abuse case?**

Yes, if you prove financial abuse. Welfare and Institutions Code § 15657.5(a) says the court shall award reasonable attorney fees and costs, and the Court of Appeal has treated that as mandatory.

### **What is the penalty for elder financial abuse in California?**

Criminally, theft from an elder over \$950 can be charged as a felony with up to four years in custody under Penal Code § 368. Civilly, the wrongdoer can owe the property, attorney fees, punitive damages, double damages under Probate Code § 859, and can lose any inheritance under § 259.

### **Can a bank freeze an account for suspected elder abuse in California?**

Not under a California statute. Banks and credit unions must report suspected abuse but have no state law authority to hold transactions. Brokerage firms can temporarily delay disbursements under W&I § 15630.2 and FINRA Rule 2165.

### **Who do I call to report elder financial abuse in California?**

County Adult Protective Services, reachable statewide at 1-833-401-0832, and local police if a crime is in progress. Report online scams to the FBI at [ic3.gov](https://ic3.gov).

This guide is general information about California law as of September 2026. It isn't legal advice for your situation, and it doesn't create an attorney-client relationship.

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## SOURCES

- Welf. & Inst. Code §§ [15610.07](#), [15610.23](#), [15610.27](#), [15610.30](#), [15610.70](#), [15630.1](#), [15630.2](#), [15657.03](#), [15657.3](#), [15657.5](#), [15657.6](#), [15657.7](#)
- Prob. Code §§ [259](#), [850](#), [859](#), [4231.5](#), [21380](#); Civ. Code § [3345](#); Code Civ. Proc. § [377.34](#); Penal Code §§ [186.11](#), [368](#), [368.5](#)
- [AB 871](#) (2026), Stats. 2026, ch. 360; Governor's veto message, SB 278 (Sept. 28, 2024)
- 12 U.S.C. § [3423](#) (Senior Safe Act); FINRA Rules [2165](#) and [4512](#)
- *Arace v. Medico Investments, LLC* (2020) 48 Cal.App.5th 977; *Asaro v. Maniscalco* (2024) 103 Cal.App.5th 717; *Bounds v. Superior Court* (2014) 229 Cal.App.4th 468; *Covenant Care, Inc. v. Superior Court* (2004) 32 Cal.4th 771; *Das v. Bank of America, N.A.* (2010) 186 Cal.App.4th 727; *Keading v. Keading* (2021) 60 Cal.App.5th 1115; *Levin v. Winston-Levin* (2019) 39 Cal.App.5th 1025; *Mahan v. Charles W. Chan Ins. Agency, Inc.* (2017) 14 Cal.App.5th 841; *Newell v. Superior Court* (2024) 107 Cal.App.5th 728; *Paslay v. State Farm General Ins. Co.* (2016) 248 Cal.App.4th 639; *Tepper v. Wilkins* (2017) 10 Cal.App.5th 1198
- FBI Internet Crime Complaint Center, [Elder Fraud Reports 2020, 2021, 2022, 2023; Annual Report 2024; Annual Report 2025](#)
- FinCEN, [Financial Trend Analysis: Elder Financial Exploitation](#) (Apr. 2024); CFPB, [Suspicious Activity Reports on Elder Financial Exploitation](#) (Feb. 2019)
- [California Department of Social Services, SOC 242 Adult Protective Services reports, FFY 2019-20 through 2024-25; APS county listing](#)

## Questions about your own plan?

Ridley Law helps California families with trusts, wills, trust administration and probate from Port Hueneme, serving Ventura, Santa Barbara and Los Angeles counties. The first call is free and runs 30 minutes.

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