

**PROTECTING EMPLOYEE & CONSUMER RIGHTS**



**ATTY. CONRADO JOE SAYAS**

# Protecting our seniors from financial abuse

ated the senior's property or money for wrongful use

- 4) The senior was harmed; and
- 5) Person X's conduct was a substantial factor in causing the senior's harm.

Under the law, Person X can be an individual, or an entity such as a business like an insurance company. The abuse may be perpetrated by someone the senior trusts, even a relative, or a complete stranger who is pretending to help the senior organize the senior's financial affairs. Some of the most common financial abuse seniors face are from "financial advisors" who claim to be "senior specialists." These persons or entities really only have one goal: to part the seniors from their hard-earned retirement money.

Seniors should be especially wary of those who claim to be "specialists" offering insurance and financial advice. Some of these persons use senior-related titles and designations and claim to be "experts" in senior-related matters. These persons or entities may not have any relevant training or experience and their fancy title may just be a marketing ploy to get the senior's business.

A new law now prohibits insurance brokers and agents

from using a "senior designation" to mislead consumers. Senior designations may include "retirement specialists" or "retirement advisors." Insurance brokers and agents can no longer use any senior-related certification, credential or professional designation unless such usage meets the criteria approved by the California Insurance Commissioner.

Seniors who are victims of misconduct prohibited by the Elder Abuse Act may recover the value of their lost money or property, emotional distress, attorneys' fees and costs. If the conduct is reprehensible, the seniors may also recover punitive damages. \*\*\*

C. Joe Sayas, Jr., Esq. is an experienced trial attorney who has successfully obtained significant results, including several million dollar recoveries for consumers against insurance companies and big business. He is a member of the Million Dollar-Advocates Forum—a prestigious group of trial lawyers whose membership is limited to those who have demonstrated exceptional skill, experience and excellence in advocacy. He has been featured in the cover of Los Angeles Daily Journal's Verdicts and Settlements for his professional accomplishments and recipient of numerous awards from community and media organizations. His litigation practice concentrates in the following areas: serious personal injuries, wrongful death, insurance claims, unfair business practices, wage and hour (overtime) litigation. You can visit his website at [www.joesayaslaw.com](http://www.joesayaslaw.com) or contact his office by telephone at (818) 291-0088.

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**IMMIGRATION EDGE**



**ATTY. DANIEL HANLON**

THE US Citizenship & Immigration Services (USCIS) announced on May 18, 2009 that it will continue to accept H-1B petitions for the fiscal year 2010. USCIS has only received approximately 45,500 petitions counting toward the general 65,000 cap and approximately 20,000 petitions for the 20,000 cap for aliens with advanced degrees.

This turnout contrasts with our experience in 2007 and 2008, when USCIS was immediately swamped with more petitions than visa numbers available on the first two days of the filing season beginning April 1. During those years, USCIS conducted lottery and rejected thousands of applications that were not fortunate enough to be selected in the lottery. While many still expect USCIS to reach its ceiling this year, the question is whether USCIS will still conduct lottery once the ceiling

# H-1B Visas Still Available!

has been reached.

Last year, USCIS issued a regulation allowing a minimum window of five business days for USCIS to receive H-1B cap-subject cases and thereafter, run a random lottery selection to determine which cases filed within this window will be eligible for a cap number. This is due to the excessive number of petitions received. However,

petition and hope to be selected for processing. They still have time, but must act now.

Contact Bander Law Firm now to know if H-1B is an appropriate visa petition for you. H-1B is a temporary work visa for individuals with a bachelor's or higher degree to be employed in a professional occupation. The petition must be filed by a U.S. employer on behalf of a foreign beneficiary. If the beneficiary is presently in the United States as a nonimmigrant, he must be in valid status to apply for a change of status. The petition may also be filed for a beneficiary outside the United States, in which case, the visa will be applied for and issued in the U.S. consulate in the beneficiary's home country.

*One thing is certain, though. Those who failed to beat the April 1 rush can still file their petition and hope to be selected for processing. They still have time, but must act now.*

for this year, the general cap has not been met during the five-day window, giving rise to the speculation that no general lottery will be conducted. Some predict a "mini lottery" for cases filed after the five-day window if the number of additional filings exceeds the remainder of the cap. Until USCIS makes an announcement, it is not certain how the selection will be made.

One thing is certain, though. Those who failed to beat the April 1 rush can still file their

of status. The petition may also be filed for a beneficiary outside the United States, in which case, the visa will be applied for and issued in the U.S. consulate in the beneficiary's home country.

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# Does my child support garnishment automatically terminate once my child turns 18?

**BARRISTER'S CORNER**



**ATTY. KENNETH URSUA REYES**

port wage garnishment will not automatically terminate. Child support obligors whose earnings are being garnished through wage assignment do not automatically stop when a child attains the age of majority. The obligor must obtain a court order to stop the wages from being automatically paid to the other parent. This can be done by agreement with the other parent otherwise called a stipulation and order. If an agreement cannot be reached, then the obligor will have to file an Order to Show Cause, set a hearing, and request that the Court terminate Child Support and vacate the wage assignment order. The obligor will then have to request a new wage assignment order for zero to be issued by the Court. The obligor must be current in his child support obligations to get this.

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MANY child support obligors wonder whether their wages will automatically stop being garnished once their child turns 18. Well, it's not as simple as that. The obligation to pay child support pursuant to a Court Order or Judgment continues until the child turns age 18 if the child is no longer attending high school as a full time student, until age 19 while still in high school full time, until completion of 12th grade while older than 18 but younger than 19, or if the child marries or becomes self-supporting (emancipated) before reaching the age of majority. A disabled adult child is entitled to child support beyond this period. (Fam.Code, §§ 3901.) Even if any of the above conditions are met, the child sup-

# Obama's Making Home Affordable Program

**LEGAL LIFELINE**



**ATTY. GENE W. CHO**

forecloses and aim to keep families in their homes. The Treasury Department will work with GSEs, FHA, the FDIC and other federal agencies to implement a comprehensive multipart strategy, which have the following features:

- A Home Affordable Modification Program to Reach Up to 3 to 4 Million At-Risk Homeowners
- Clear and Consistent Guidelines for Loans Modifications
- Requiring That Financial Stability Plan Recipient Use Treasury Guidelines for Loan Modifications
- Allowing Judicial Modifications of Home Mortgages During Bankruptcy When A Borrower Has No Other Options
- Requiring Strong Oversight, Reporting and Quarterly Meetings with Treasury, the FDIC, the Federal Reserve, and HUD to Monitor Performance
- Strengthening FHA Programs and Providing Support for Local Communities

The program aims to reach homeowners who are at risk, i.e., those who are suffering serious hardships, decreases in income, increases in expenses, and those who are paying combine mortgage loans higher than the current market value of their house. Delinquency not be a requirement for eligibility, hence, homeowners who are delinquent or non-delinquent in their mortgage payments are eligible to participate. However, only owner-occupied homes are qualified. Homeowners with high total debt

DECLINING real estate prices and negative equity continue to drive foreclosure. Many are unable to meet their monthly mortgage payments. Often one spouse has lost his/her job. They have depleted their savings and retirement fund hoping that the economy will turn around. The current problem in the housing market has affected 6 out of 10 The Obama Administration is offering the Making Home Affordable (MHA) Program to as many as 7 to 9 million homeowners who are making good-faith effort to meet their mortgage payments. Currently, homeowners who are upside down or owe more than 80% of the present value of their house find it very difficult to secure refinancing. This program will allow 4 to 5 million responsible homeowners whose loans are owned or guaranteed by Freddie Mac and Fannie Mae (GSEs) to refinance over time. President Obama has allotted \$75 billion for Home Affordable Modification Program. This program will help stop millions of

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