



Disability Rights Center of Kansas

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Proponent Testimony HB 2345 House Judiciary Committee January 17, 2024

Chair Humphries and members of the committee:

My name is Mike Burgess. I am the Director of Policy & Outreach at the Disability Rights Center of Kansas (DRC). DRC is a public interest legal advocacy organization that is part of a national network of federally mandated organizations empowered to advocate for Kansans with disabilities. DRC is the officially designated protection and advocacy system in Kansas. DRC is a private, 501(c)(3) nonprofit corporation, organizationally independent of state government and whose sole interest is the protection of the legal rights of Kansans with disabilities.

Thank you for the opportunity to share our support for HB 2345.

I have been excited about the concept of Supported Decision Making since learning about it more than six years ago. It is one of those concepts that just makes sense. Many of us use a less formal version of this already. Think about it, how many of us will talk to a financial planner before making a major purchase or will talk with a doctor or nurse friend about something related to health. This bill just creates a formal, legally recognized version of this to help anyone who would like to use it (some of the common scenarios where adults may access this include adults with developmental disabilities, brain injuries, mental health needs, aging adults, or anyone else).

At DRC, we regularly hear from parents of children with disabilities who were pressured by their schools and/or providers about getting a guardianship for their son or daughter. While guardianship is an important tool for those who need it, many of those adult children do not need a guardianship. (There are many, many more stories similar to the parents who have testified today.)

To anyone who has worked on a house or car, having the right tool can make all of the difference between a simple job and a difficult one. While the existing tools (such as guardianship and durable powers of attorney) are a great fit for many who need them, they aren't always the right tool for people who have a lesser need. They can also be a little intimidating to put into place (or remove) and can be difficult to set up in a way to make sure they do exactly what they need to do. There is a big need for a tool such as supported decision making agreements. It does nothing to weaken or diminish guardianship or durable powers of attorney, but just co-exists with them and can serve as the right tool for many people.

Again, this bill will have no impact on anyone who currently has a guardianship (or may need to have one in the future). But it should help many families who want a system where their adult may need some help, but not need a guardianship.

I have also attached an example form from the State of Wisconsin that gives you an idea of what a Kansas SDMA form could look like.

Thank you for the opportunity to support HB 2345. I would be happy to stand for questions at the appropriate time.