SESSION OF 2026

CONFERENCE COMMITTEE REPORT BRIEF
SENATE BILL NO. 84

As Agreed to March 26, 2026

Brief*

SB 84 would create the Supported Decision-making Agreements Act (Act) allowing adults, or "principals," to enter into supported decision-making agreements to receive decision-making assistance with the adult's affairs from one or more other adults, or "supporters."

Principals

The bill would define a "principal" as an adult who enters into a supported decision-making agreement under the Act to receive decision-making assistance.

Supporters

A "supporter" would be defined by the bill as an adult who enters into a supported decision-making agreement and provides decision-making assistance.

A supporter could not be a person against whom a protective order or restraining order has been entered by a court at the request of or on behalf of the principal.

A supporters would be required to:

- Act as a fiduciary to the principal in accordance with the agreement; and
- Keep information collected on behalf of the principal:
  - Confidential;
  - Protected from unauthorized access, use, or disclosure; and
  - Only for the use authorized by the principal.

Supporters could provide the principal with assistance:

- Making decisions, communicating decisions, and understanding information about, options for, the responsibilities of, and consequences of decisions;

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- Accessing, obtaining, and understanding information relevant to decisions necessary for managing the principal's affairs:
    - This would include medical, psychological, financial, educational, treatment, and other records; and
    - Supporters could also use dated consent to assist the principal in obtaining protected health information or educational records;
- Ascertaining the wishes and decisions of the principal, assisting in communicating those wishes and decisions to others, and advocating to ensure implementation of the principal's wishes and decisions; and
- Accompanying the principal and participating in discussions with other persons when the principal is making decisions or attempting to obtain information for such decisions.

The bill would define accessing or obtaining financial information and the definition would not include access to online banking accounts.

Supporters would be prohibited from:

- Exerting undue influence on the principal;
- Making decisions for or on behalf of the principal;
- Signing for the principal or providing the electronic signature of the principal to a third party;
- Obtaining information not reasonably related to the matters the supporter is authorized to assist the principal with under the agreement, without the consent of the principal; or
- Using information acquired for a purpose authorized under the agreement for a purpose other than assisting the principal with a decision authorized by the agreement, without the consent of the principal.

Supporters acting in good faith and in accordance with the Act would not be liable to the principal or a third party for injuries, damages, or other losses arising from a decision made by a principal in which the supporter assisted or was otherwise involved.

Entering Agreements

The bill would require supported decision-making agreements to be entered into voluntarily and without coercion or undue influence, and the adult entering into one (the principal) would have to understand the nature and effect of the agreement. Such agreements could not be entered into if they encroach on the authority of a guardian or conservator of the adult making the agreement, unless approved in writing by the guardian or conservator.

The bill would specify adults who enter into supported decision-making agreements could act without the decision-making assistance of the supporter, and the execution of a supported

decision-making agreement would not constitute evidence that the principal does not have capacity.

Requirements for Agreements

The bill would require supported decision-making agreements to:

- Name one or more adults to provide a principal with decision-making assistance;
- Describe the assistance each supporter may provide the principal;
- Contain a notice to third parties that summarizes the rights and obligations of each supporter under the agreement and expressly identifies the provisions of the Act; and
- Contain a separate declaration by each supporter or alternate supporter, signed by the supporter, stating:
    - The supporter's relationship with the principal;
    - The supporter's willingness to act as a supporter for the principal; and
    - The supporter acknowledges the duties of a supporter under the Act.

Validity of Agreements

A supported decision-making agreement would be valid if:

- It is dated;
- It is in writing;
- It is signed by the principal and each named supporter or alternative supporter, under penalty of perjury;
- A guardian or conservator, if any, has been notified of the agreement by the principal; and
- The agreement otherwise complies with the provisions of the Act.

The bill would require supported decision-making agreements to be substantially in compliance with a form the bill would direct the Judicial Council to establish.

Terminating Agreements

Supported decision-making agreements could indicate their effective dates and duration. If no effective date is specified, the agreement would become valid immediately. Principals would be able to terminate all or any portion of an agreement at any time. Supporters would be able to terminate all or a portion of their obligations under the agreement at any time.

If no duration was specified, the agreement would be effective until a dated termination is made in writing and signed by the terminating party.

The bill would require notice of a termination be given to the other party (supporter or principal) in person, by certified mail, or by electronic means.

If a portion of the agreement is terminated and the termination is consistent with the provisions of the Act, the remainder of the agreement would remain in effect.

Effect of Agreements

Decisions or requests made or communicated with the assistance of a supporter under the Act would be recognized as a decision of the principal.

Persons who act in good faith would not be subject to civil or criminal liability or discipline for unprofessional conduct for:

- Complying with an authorization pursuant to a supported decision-making agreement based on an assumption the agreement is valid and not terminated;
- Declining to comply with an authorization based on actual knowledge that the agreement is unauthorized because:
    - The financial institution cannot in good faith comply with the limitation set forth in the agreement; or
    - The person makes or has actual knowledge that another person has made a report pursuant to continuing law stating a good faith belief that the principal may be subject to physical or financial abuse, neglect, exploitation, or abandonment by the supporter; or
- Declining to comply with an authorization related to health care if the person declines because the action proposed is contrary to the good faith medical judgment of the person declining or a written policy of a health care institution based on reasons of conscience.

Application of the Act

The bill would specify that, in the application of the Act:

- All adults are assumed to have capacity to manage their affairs as defined in the Act;
- The Act does not preclude the ability of the adult who has entered into such an agreement to act independently of the agreement;
- A decision that a principal is incapable of managing the principal's affairs could not be based on the manner in which the principal communicates with others; and
- Execution of an agreement may not be used as evidence for the petition or appointment of a guardianship or conservatorship.

Definitions

The bill would define, for purposes of the Act, these terms in addition to "principal" and "supporter": "adult," "affairs," "capacity," "conservator," "decision," "decision-making assistance," "good faith," "guardian," "immediate family member," "person," "support services," and "supported decision-making agreement."

Criminal Penalties

Violation of the Act would be added to the crime of mistreatment of a dependent adult or an elder person, for which felony or misdemeanor penalties would apply, depending on the amount of financial resources involved.

The bill would also make a technical amendment to this section to ensure consistency in statutory phrasing.

Conference Committee Action

The Conference Committee agreed to insert the provisions of HB 2609, as it passed the House, into SB 84. [*Note:* The provisions of SB 84 are included in the Conference Committee Report for HB 2347, which was signed into law on February 5, 2026.]

Background

HB 2609 was introduced by the House Committee on Judiciary at the request of a representative of the Self Advocate Coalition of Kansas.

House Committee on Judiciary

In the House Committee hearing, **proponent** testimony was provided by representatives of the Disability Rights Center of Kansas, Kansas Council on Developmental Disabilities, Kansas Mental Health Coalition, and Self Advocate Coalition of Kansas, and three private citizens. Proponents stated the bill would provide individuals with a mid-level option for individuals needing assistance with decision-making to receive support while still remaining as independent as possible.

Written-only proponent testimony was provided by representatives of AARP–Kansas, Alzheimer's Association, Families Together, Inc., KanCare Advocates Network, Kansas Advocates for Better Care, Kansas Association of Centers for Independent Living, Kansas Commission on Disability Concerns, and National Alliance on Mental Illness–Kansas; the State Long-Term Care Ombudsman; and six private citizens.

Written-only **neutral** testimony was provided by representatives of the Kansas Bankers Association, Kansas Bar Association, and Kansas Judicial Council.

No other testimony was provided.

The House Committee adopted a technical amendment to a statutory reference. [*Note:* The Conference Committee retained this amendment.]

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the HB 2609, as introduced, the Office of Judicial Administration (OJA) indicates enactment of the bill could increase the number of cases filed in district courts because it expands the crime of mistreatment of a dependent adult or an elder person. This would increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. There could also be more supervision of offenders performed by court services officers due to the crimes being lower-level crimes. Additionally, the bill could result in the collection of supervision and docket fees in cases filed under the bill's provisions, which would be deposited in the Correctional Supervision Fund and the State General Fund. However, a precise fiscal effect cannot be estimated.

The Kansas Guardianship Program states that it is unknown whether enactment of the bill would require it to be responsible for implementing, tracking, or monitoring the supported decision-making agreements. The agency also indicates that it is unknown whether the agreements would be submitted to the courts and whether it will need to establish an approval process. The agency indicates that if the bill were to increase its responsibilities, additional positions would be required. However, a precise fiscal estimate cannot be estimated.

The Sentencing Commission estimates that enactment of the bill would result in an increase of up to two beds needed by the end of FY 2027. By the end of FY 2036, up to seven additional beds would be needed. The current estimated available bed capacity is 9,924 for males and 968 for females. Based upon the Commission's most recent ten-year projection contained in its *FY 2026 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population will total 9,176 male and 924 female inmates in FY 2026 and 9,485 male and 953 female inmates in FY 2027.

The Department of Corrections indicates enactment of the bill would not have a fiscal effect on the correctional system.

The Department for Aging and Disability Services and Department for Children and Families indicate enactment of the bill would not have a fiscal effect on the agencies.

Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2027 Governor's Budget Report*.

Judiciary; Supported Decision-Making Agreements Act

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