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Proponent Testimony HB2536
House Committee on Judiciary
January 28, 2025

Chair Humphries and members of the Committee:

Thank you for the opportunity to submit testimony in support of House Bill 2536, which establishes critical training requirements for proposed guardians of adults with cognitive impairments or neurological conditions.

My name is Emily A. Donaldson, and I serve as General Counsel for Arcare, Inc. I am a Certified Elder Law Attorney, hold an LL.M. in Estate Planning, and have devoted more than 20 years to a legal practice centered on aging, disability, public benefits, long-term care planning, and guardianship and conservatorship matters.

Throughout my career, I have assisted countless individuals and families navigating the complex legal and financial issues that arise when a loved one develops Alzheimer's disease, dementia, a related neurological condition, or other cognitive impairments. These matters frequently involve guardianship or conservatorship appointments, special needs planning, and long-term care—areas where specialized knowledge is not just helpful, but essential.

In addition to my legal practice, I have served as an adjunct professor of elder law at Washburn University School of Law and participate on the Probate Law Advisory Committee of the Kansas Judicial Council, where I work directly with issues relevant to Kansas guardianship policy and procedure.

Why HB 2536 Is Critically Needed
HB 2536 strengthens Kansas's protective framework by requiring proposed guardians to complete a training program approved by the Kansas Department for Aging and Disability Services (KDADS). These programs must cover: Common aspects of normal aging, warning signs of Alzheimer's disease and dementia, effective communication strategies, and resources and strategies to support adults in exercising their rights. This is not merely good policy—it is essential policy.

HB 2536 Addresses the Following Key Issues:
1. Guardians must be educated to make informed, humane decisions.
Adults experiencing cognitive decline have unique needs that require trained, thoughtful support. Without appropriate education, guardians may misconstrue symptoms, misinterpret behaviors, or unintentionally curtail individual rights.

2. Condition-specific training protects Kansans with Alzheimer's and dementia.
The bill ensures that guardians understand disease progression, communication challenges, and how to preserve autonomy while ensuring safety—knowledge that is indispensable when making deeply personal decisions affecting another person's life.

3. HB 2536 formalizes statewide consistency.
By requiring KDADS to approve and maintain a list of standardized training programs, the bill provides courts, guardians, and families with clarity and consistency across judicial districts.

4. This Legislation Promotes Rights, Safety, and Dignity
HB 2536 explicitly requires training that supports adults with cognitive impairments "in exercising their rights." This is a vital component of modern guardianship practice. The goal is not to replace a person's autonomy—it is to protect and enhance it.

As someone who has spent decades in elder law, disability planning, and guardianship matters, I can say with certainty that this training requirement will meaningfully improve outcomes for vulnerable Kansans and the families who love them.

Conclusion
For the reasons stated above, I respectfully urge the Committee to recommend HB 2536 favorably for passage. This legislation is practical, forward-thinking, and built on the best interests of Kansans who depend on ethically grounded, well-trained guardians. It represents the kind of statutory improvement that will have a lasting, positive impact across our communities. Thank you for your consideration and for your commitment to protecting our state's most vulnerable residents.

Respectfully submitted,

Emily A. Donaldson
General Counsel
Arcare, Inc.