KANSAS BAR ASSOCIATION

TO: **The Honorable Susan Humphries**
and members of the House Committee on Judiciary

FROM: **Joseph N. Molina,** On Behalf of the Kansas Bar Association

RE: HB 2609 - Enacting the supported decision-making agreements act to provide a statutory framework for allowing an adult to receive decision-making assistance from one or more other adults, requirements for decision-making agreements and duties related thereto

DATE: **February 11, 2026**

Chairperson Humphries and Members of the House Committee on Judiciary.

I am Joseph N. Molina, and I represent the Kansas Bar Association. I provide this **NEUTRAL** written testimony concerning HB 2609 - Enacting the supported decision-making agreements act to provide a statutory framework for allowing an adult to receive decision-making assistance from one or more other adults, requirements for decision-making agreements and duties related thereto.

The Kansas Bar Association wishes to acknowledge that the proponents of HB 2609 engaged in good-faith negotiations throughout the legislative process and were responsive to concerns raised regarding earlier versions of the bill. Proponents worked collaboratively with stakeholders and considered the recommendations of the Kansas Judicial Council in refining the legislation.

As introduced in prior sessions, earlier versions of supported decision-making legislation raised concerns regarding execution requirements, standards of care, treatment of incapacity, and third-party liability. The current version of HB 2609 reflects meaningful revisions that address many of those concerns.

The bill further reflects Judicial Council recommendations by enhancing execution requirements, promoting substantial compliance with a standardized form to be developed by the Judicial Council, and clarifying termination provisions, including how incapacity

affects an agreement and when termination becomes effective. These are all improvements to the original bill and the KBA appreciates the work of all those involved.

However, we would be remiss not to remind the committee that the judicial council did not reach consensus on whether supported decision-making legislation is necessary in Kansas at this time. Members of the Kansas Judicial Council questioned whether additional legislation is necessary given Kansas's recent adoption of a new guardianship and conservatorship act. The KBA is sensitive to this point and agrees that many aspects of the newly enacted guardianship act would address those concerns raised by proponents of this legislation.

In addition, having discussed this bill with various KBA members, there was a concern that the documents used to convey real property in Kansas may be suspect to title examiners. This could result in delays and confusion.

Finally, the KBA believes strongly that legal representation is critical when dealing with vulnerable communities. We would urge individuals to seek legal counsel when making significant legal and contractual changes that are reflected in HB 2609.

The Kansas Bar Association appreciates the opportunity to provide these comments to the committee on HB 2609.

Thank you for your time and consideration.

About the Kansas Bar Association:

The Kansas Bar Association (KBA) was founded in 1882 as a voluntary association for dedicated legal professionals. Its more than 5,500 members include lawyers, judges, law students, and paralegals. www.ksbar.org