KANSAS MENTAL HEALTH COALITION

An Organization Dedicated to Improving the Lives of Kansans with Mental Illnesses

Testimony Supporting HB 2609 presented to the House Judiciary Committee

Amy A. Campbell – February 11, 2026

Thank you for the opportunity to address your committee today on behalf of the Kansas Mental Health Coalition (KMHC).

Position: The Kansas Legislature should pass HB 2609 to establish the Supported Decision Making Agreement option for individuals and families in Kansas. The Coalition believes that it is an important tool for Kansans who may face difficulties due to living with disabilities or mental illness. Supported Decision Making offers options to individuals seeking assistance with financial or health decisions without requiring them to give up their independence and ability to make their own life decisions. Updated guardian and conservatorship statutes recommend supported decision making options.

The Problem: Even if a person with a disability needs extra help to make significant life decisions, their right to make their own choices should not be taken away (such as guardianship) without exploring all options and less-restrictive alternatives. Supported decision making empowers individuals with disabilities to make informed decisions about their life that protect their rights *and* ensure their safety and privacy. It involves family and friends working together to help them make complex decisions within a legal framework that preserves independence while providing support.

Why this matters: The agreement will help maximize independence, promote self-reliance, and increase self-confidence while empowering communication and supportive relationships.

- Reduces Unnecessary Guardianships by adding legal protections for supporters and businesses that honor the Agreements. These agreements do not outrank guardianships or conservatorships.
- Saves the State money by keeping people out of the court system which would save the court resources and time.
- Protects those with disabilities by having more people in their support network.
- Keeps loved ones involved because the Agreements would allow for better communication.
- Ensures a more affordable option for families, avoiding the cost of going to court.

Supporters would be required to:

- Act with the care, competence, and diligence ordinarily exercised by individuals in similar circumstances; and
- Keep information collected on behalf of the principal: Confidential; Protected by unauthorized access, use, or disclosure; and Only for the use authorized by the principal.

The bottom line: Supported Decision Making Agreements work. 32 states and the District of Columbia have passed laws for written SDMA. Kansans should also have the option to empower individual independence while encouraging the supportive involvement of family or other trusted advisors. It is important to note that this legislation does not remove the legal tools of guardianship or conservatorship but adds a less restrictive option while protecting the rights of the individual.

Many States Have Passed Legislation to Enact Supported Decision Making Agreements
There are 32 states in the United States, plus the District of Columbia (D.C.), that have passed laws about

Supported Decision Making (SDM). Of these, 25 states and D.C. have laws that make Supported Decision-Making Agreements (SDMAs) legally valid documents. This means that these agreements can be used in the same way as other legal documents. In these states, SDMAs can be used to help adults with disabilities make their own decisions, with the help of trusted friends or family members.

In addition to these 25 states and D.C., several other states have changed their laws about guardianship. These laws now require that alternatives to guardianship, such as SDM, be tried before a guardianship order can be issued. This means that adults with disabilities in these states have the opportunity to make their own decisions, with the help of trusted supporters, before a guardianship order is put in place.

Texas was the first state in the United States to pass a law related to SDM. This law made SDMAs legally valid documents and was passed in 2015. Since then, 24 other states and D.C. have passed similar laws: Delaware (2016), Wisconsin (2017), D.C. (2018), Alaska (2018), Tennessee (2018), Indiana (2019), North Dakota (2019), Nevada (2019), Rhode Island (2019), Louisiana (2020), Washington (2020), New Hampshire (2021), Illinois (2021), Colorado (2021), Virginia (2021), New York (2021), Oregon (2021), California (2022), Maryland (2022), Alabama (2023), Arizona (2023), Florida (2024), Hawaii (2025), New Mexico (2025), and Utah (2025). In addition, several other states have revised their guardianship laws to recognize SDM as an alternative to guardianship: Missouri (2018), Maine (2019), Minnesota (2020), Montana (2021), Oklahoma (2021), North Carolina (2023), and Kansas (2025) .

More Information

Please support HB 2609 to add Supported Decision Making agreements to the options available for individuals and families in Kansas. The fact is, we need this mid-level option for individuals to live independently and select trusted family members, friends, or professionals to provide support when:

- Making decisions, communicating decisions, and understanding information about, options for, the responsibilities of, and consequences for decisions.
- Accessing, obtaining, and understanding information relevant to decisions necessary for managing the principal's affairs.
    - Includes medical, psychological, financial, educational, treatments, and other records.
    - Supporters could also use dated consent to assist the principal in obtaining protected health or education records.
- Ascertaining 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 or decision; and
- Accompanying the principal and participating in discussions with other people when the principal is making decisions or attempting to obtain information for such decisions.
- For parents with adult children this is crucial for helping them get the mental health help they need, especially in times of crisis.
- Brings the interdependence out into the open, and invites people to support, but not take over, the decisions of people in a mental health crisis or those with ongoing disabilities.

Thank you for your consideration.

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