



January 17, 2024

Madam Chair and Members of the Committee:

On behalf of the Kansas Council on Developmental Disabilities (KCDD), thank you for the opportunity to provide testimony in support of HB2345, the Supported Decision Making Agreements Act. My name is Callie Simmons, Policy and Program Analyst for KCDD, and lead for these important issues related to Supported Decision Making (SDM) for the Council. Our Council is made up of self-advocates, family members, state agencies, and our partners identified in the Federal Developmental Disabilities Act.

KCDD's mission is to empower individuals with intellectual and developmental disabilities (IDD) and their families to lead systems change, build capacity, and advocate for inclusive, integrated, accessible communities where everyone belongs and thrives throughout our state. KCDD serves Kansans with intellectual and developmental disabilities (IDD) through advocacy, public policy, and education.

The Council supports HB2345, the Supported Decision Making Agreements Act, which provides a statutory framework for adults who want decision-making assistance. KCDD is guided by a five-year state plan for Kansas, which includes increasing utilization of SDM in the Sunflower state. The proposed legislation supports KCDD's overarching goal of working with disability organizations around the state to enhance awareness of SDM for self-advocates, family members and caregivers. Supported Decision Making (SDM), is a tool that allows people with disabilities to make decisions with the support of people they trust. SDM enhances people's lives and maximizes their independence.

At its core, Supported Decision Making (SDM) is a practice most of us utilize everyday when we rely on family and friends to help us make personal decisions. While many of us likely take this for granted, it is a right that too frequently is removed from individuals with disabilities who are subjected to unnecessary and restrictive guardianships. Providing the option of a Supportive-Decision Making Agreement is an effective alternative to guardianship that will protect the rights of Kansans with disabilities to live independently and lead self-determined lives with the support of trusted family members, friends, or professionals.

Supported Decision Making (SDM) does not alter the established laws regarding guardianship, but rather, offers a less restrictive option. Per Kansas statute, guardianship should only be implemented as a method of last resort, and only considered after all other less restrictive alternatives have been explored. Although Kansas' guardianship law states that an individual cannot be placed under guardianship when less restrictive options are available, the law currently does not offer any other options. As a result, Kansas has a high number of guardianships. According to the National Core Indicator Survey for Individuals with Intellectual and Developmental Disabilities, Kansas had nearly two times more guardianships than the national average. 59 percent of Kansas responders had a guardianship compared to the national average of 28 percent.¹ The proposed Supported Decision Making Agreements Act will provide a legally recognized option for individuals and families to avoid unnecessary guardianships and protect the rights of Kansans.

Thank you for your ongoing leadership addressing the needs of Kansans with IDD and your support of HB 2345.

Sincerely,

Callie Simmons
Policy and Program Analyst
Kansas Council on Developmental Disabilities
callie@kcdd.org

¹ [Why This Matters — Supported Decision Making \(idecidekansas.org\)](http://www.idecidekansas.org)