



LAURA KELLY, Governor • KATHY KECK, Chairperson • STEVE GIEBER, Executive Director

“To ensure the opportunity to make choices regarding participation in society and quality of life for individuals with developmental disabilities”

March 11, 2021

Re: Proponent House Bill No. 2122

Chair Patton, and House Judiciary Committee

I am Steve Gieber, Executive Director of the Kansas Council on Developmental Disabilities (KCDD). The Council is made up of self-advocates, family members, state agencies, and our partners identified in the Federal Developmental Disabilities Act. The Council is to advise policy makers on issues impacting people with Intellectual and Developmental Disabilities and their families.

The Council supports HB 2122 the Supported Decision-Making Agreements Act. Supported decision-making provides additional tools for individuals to remain as independent as possible while receiving the supports they need to live the good life. Currently more than 17 states are working on some form of supported decision-making policy.

Kansas state law on guardianship is consistent with the position statement from the National Guardianship Association that reads: “Guardianship should be utilized only when lesser restrictive supports are not available. Alternatives to guardianship, including supported decision making, should always be identified and considered whenever possible prior to the commencement of guardianship proceedings.”

The Council has hosted grass roots trainings on Supported Decision-Making in several communities around the state and we have spoken with hundreds of families and they are telling us that they really want to have this option. The Administration on Community Living provided a grant last year to KU to build on the Supported Decision Making efforts in Kansas.

Dr. Kerri Shogren from KU has recently published a book on Supported Decision-Making. It is 244 pages and shows the evolution in thinking around this issue. There is a copy in the state Library.

According to the National Core Indicator data over 65% of the Kansas respondents have guardians while the national average is only 35%. We believe part of the reason for this comes from the requirement that schools have to inform families about guardianship prior to child’s 18th birthday. The District of Columbia which has provision for supported decision-making has had a 10% decrease in the number of guardianships since they implemented supported decision-making as an option.

Some of the written testimony that you have are from families that were encouraged by the schools to seek guardianship and really want other options for their family member. This bill isn’t about guardianship it is about giving families additional options to successfully support those that need it. We have included a couple of handouts with additional information including the National Bar Association position on Supported Decision Making and some general information.

I will stand for questions at the appropriate time.

Steve Gieber Executive Director KCDD 7850296-2609

**Landon State Office Building, Room 569 • 900 SW Jackson • Topeka, KS 66612
785-296-2608 • 1-877-431-4604(toll free) • www.kcdd.org**