

Position: The Kansas Legislature should support a Supported Decision Making Agreement 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. It is an important tool for Kansans who may face difficulties due to living with disabilities or mental illness.

The Problem: Kansas does not have a mid-level, effective alternative for a non-guardianship option available for individuals that live with a disability or mental illness. Approximately 420,000 Kansans have a mental health condition. Near 51% of Kansans do not receive the mental health treatment they need. It is important to build a stronger mental health system that provides the care, support and services needed to help those in need.

Why this matters: The 51% noted above would decrease with a Supportive Decision Making Agreement in place, while letting the individual keep their rights. This agreement is an effective alternative to guardianship. The agreement will help maximize independence, promote self-advocacy, increase self-confidence. This mid-level option would allow those 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;
 - o This would include medical, psychological, financial, educational, treatments, and other records;
 - o 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 persons 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.

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. There are currently nine States (Texas, Delaware, District of Columbia, Wisconsin, Alaska, Indiana, North Dakota, Rhode Island, and Nevada) that have these Agreements. It would be beneficial for Kansas to join them in this fight for those with disabilities or mental illness, and for their families to know there is another option available. It is important to note that this legislation does not remove the legal tools of guardianship or conservatorship but adds a less restrictive option for individuals and families to utilize when preferred by the individual.

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