



## Senate Judiciary Committee

March 11th, 2025

### Proponent of HB2359

Chairwoman Warren and Members of the Committee:

On behalf of the Kansas Council on Developmental Disabilities (KCDD), we appreciate the opportunity to submit testimony in support of HB2359. KCDD works to support Kansans of all ages with intellectual and developed disabilities (I/DD), family members and caregivers to ensure they have the opportunity to make choices about their participation in society and their quality of life. Our mission is to empower individuals with intellectual and developed disabilities (I/DD) and their families to lead systems change, build capacity, and advocate for inclusive, integrated, and accessible communities where everyone belongs and thrives.

**KCDD strongly supports HB2359, as amended by the House Judiciary Committee.** This bill modernizes Kansas' guardianship and conservatorship laws, ensuring the rights and dignity of Kansans with I/DD are upheld. The House amendment, which KCDD and our statewide partners, including the Disability Rights Center of Kansas (DRC), Kansans for Life among others, advocated for, addresses a critical flaw regarding end-of-life decision-making by guardians.

Prior to the House amendment, the bill contained broad language that could allow a guardian to make end-of-life decisions without adequate protections, potentially leading to the death of individuals with disabilities who are not terminally ill. ***The amendment ensures due process and safeguards against discriminatory decision-making, aligning Kansas law with fundamental principles of life and dignity.***

The amendment clarifies that:

- If an individual has a legally recognized advance directive, that document governs their end-of-life decisions.
- A guardian may only withdraw life-sustaining treatment when medical care is futile and solely prolongs the dying process.
- Protections exist to prevent individuals with disabilities from being denied nutrition and hydration unless medically necessary.

Beyond the critical amendment, HB2359 introduces much-needed reforms that aligns with KCDD's mission and focus for Kansans with IDD, family members and caregivers, these include:

- A shift toward person-centered planning, ensuring individuals under guardianship have a voice in decisions.

- Increased emphasis on less restrictive alternatives, promoting supported decision-making where possible.
- Clearer legal definitions and improved due process protections for individuals subject to guardianship.
- Strengthened oversight and accountability for guardians to prevent abuse.

KCDD commends the House Judiciary Committee for adopting this amendment and urges the Senate Judiciary Committee to uphold these crucial protections. HB2359, as amended, strikes a necessary balance between the responsibilities of guardians and the fundamental rights of Kansans with disabilities.

Thank you for your time and consideration.

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