

February 7, 2025

The Honorable Susan Humphries, Chairperson
House Committee on Judiciary
300 SW 10th Avenue, Room 582-N
Topeka, Kansas 66612

Dear Representative Humphries:

SUBJECT: Fiscal Note for HB 2144 by Representative Rhiley

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2144 is respectfully submitted to your committee.

HB 2144 would add sections to existing legislation related to the mistreatment of a dependent adult or an elder person. The bill would allow for an agreement to be made between any adult (the principal) and one or more other adults, called a supported decision-making agreement. This agreement would allow the supporter to assist the principal in making any decision regarding healthcare, work, and housing. This would not allow supporters to make decisions on behalf of the principal, only aid in deciding. Supporters could access any relevant information to assess the options and understand the consequences of a decision, including otherwise confidential information that would be covered by something like the Health Insurance Portability Act. HB 2144 would add the violation of the supported decision-making agreements to the statute defining the criminal offense of mistreatment of a dependent adult.

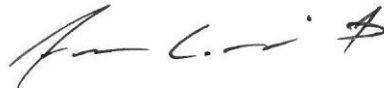
The Kansas Department for Aging and Disability Services (KDADS) indicates that enactment of HB 2144 would have no fiscal effect on the agency. KDADS could experience more calls to the Abuse and Neglect Hotline related to supported decision-making agreements. At this time, KDADS is not able to determine what the increase might be.

HB 2144 would add a legal status for people that enter supported decision-making agreements with individuals that receive services funded by KDADS. Residents of adult care homes and consumers receiving care through Home and Community Based Services waivers, or the Senior Care Act, could have supporters that would be helping make decisions. Providers may

need to understand the role of supported decision making in care planning and providing services to respect the needs of consumers that have supported decision making agreements.

The Office of Judicial Administration indicates that enactment of HB 2144 could increase the number of cases filed in district courts because it expands the crime of mistreatment of a dependent adult or an elder person. This, in turn, would increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. Since a portion of this crime would carry lower-level penalties, there could also be more supervision of offenders required to be performed by court services officers. Enactment of HB 2144 could result in the collection of supervision fees in those cases filed under the provisions of the bill. Nevertheless, until the courts have had an opportunity to operate under the provisions of HB 2144, an accurate estimate of the fiscal effect on revenues for the Judicial Branch cannot be given. Enactment of HB 2144 could result in the collection of docket fees, fines and supervision fees in those cases filed under the provisions of the bill, most of which would be deposited in the State General Fund. Any fiscal effect associated with HB 2144 is not reflected in *The FY 2026 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam C. Proffitt", with a stylized flourish at the end.

Adam C. Proffitt
Director of the Budget

cc: Leigh Keck, Department for Aging & Disability Services
Trisha Morrow, Judiciary