

**As Amended by House Committee**

*Session of 2026*

**HOUSE BILL No. 2609**

By Committee on Judiciary

Requested by Morgan Shipman on behalf of the Self Advocate Coalition of Kansas

2-2

AN ACT enacting the supported decision-making agreements act; relating to decision-making assistance for adults; allowing an adult to receive decision-making assistance with the adult's affairs from one or more other adults; providing requirements for decision-making agreements and duties related thereto; including violations of this act in the crime of mistreatment of a dependent adult or an elder person; amending K.S.A. 2025 Supp. 21-5417 and repealing the existing section.

*Be it enacted by the Legislature of the State of Kansas:*

New Section 1. Sections 1 through 9, and amendments thereto, shall be known and may be cited as the supported decision-making agreements act.

New Sec. 2. As used in the supported decision-making agreements act, unless the context indicates otherwise:

(a) "Adult" means an individual who is 18 years of age or older.

(b) "Affairs" means decisions related to the following affairs of a principal:

(1) Monitoring health, obtaining, scheduling, implementing and coordinating health and support services, understanding healthcare information and options, providing for care and comfort, and other healthcare and personal matters in which the principal makes decisions about the principal's healthcare;

(2) managing income and assets and the use of income and assets for clothing, support, care, comfort, education, shelter and payment of other liabilities of the principal;

(3) handling personal, healthcare and financial matters that arise in the course of daily living;

(4) monitoring information about the principal's support services, including necessary or recommended future support services;

(5) living arrangements, including where and with whom the principal wants to live; and

(6) working arrangements, including where the principal wants to work.

(c) "Capacity" means the ability to understand and appreciate the nature and consequences of a decision and the ability to reach and

1 communicate an informed decision.

2 (d) "Conservator" means a person appointed as a conservator under  
3 the Kansas uniform guardianship, conservatorship and other protective  
4 arrangements act, K.S.A. 59-30,101 et seq., and amendments thereto, or a  
5 similar law of another state.

6 (e) "Decision" means a decision relating to the affairs of a principal.

7 (f) "Decision-making assistance" means the decision-making  
8 assistance described in section 7, and amendments thereto.

9 (g) "Good faith" means honesty in fact and the observance of  
10 reasonable standards of fair dealing.

11 (h) "Guardian" means a person appointed as a guardian under the  
12 Kansas uniform guardianship, conservatorship and other protective  
13 arrangements act, K.S.A. 59-30,101 et seq., and amendments thereto, or a  
14 similar law of another state.

15 (i) "Immediate family member" means a spouse, child, sibling,  
16 parent, grandparent, grandchild, stepparent, stepchild or stepsibling.

17 (j) "Person" means an individual, healthcare institution, healthcare  
18 provider, corporation, partnership, limited liability company, association,  
19 joint venture, government, governmental subdivision, governmental  
20 agency, governmental instrumentality, public corporation, or another legal  
21 or commercial entity.

22 (k) "Principal" means an adult who enters into a supported decision-  
23 making agreement under the supported decision-making agreements act to  
24 receive decision-making assistance.

25 (l) "Support services" means the following services:

26 (1) House repair, home cleaning, laundry, shopping and providing  
27 meals;

28 (2) transportation, accompanying a principal and facilitating a  
29 principal's written, oral and electronic communication;

30 (3) nurse visitations and attendant care;

31 (4) provision of healthcare;

32 (5) physical and psychosocial assessments;

33 (6) financial assessments and advice on banking, taxes, loans,  
34 investments and management of real property;

35 (7) legal assessments and advice;

36 (8) education and educational assessments and advice;

37 (9) assistance with bathing, dressing, eating, range of motion,  
38 toileting, transferring, ambulation and other direct assistance with the  
39 activities of daily living;

40 (10) care planning; and

41 (11) services that assist in maintaining the independence of a  
42 principal.

43 (m) "Supported decision-making agreement" means an agreement

1 authorized under section 3, and amendments thereto.

2 (n) "Supporter" means an adult who enters into a supported decision-  
3 making agreement under the supported decision-making agreements act  
4 and provides decision-making assistance.

5 New Sec. 3. (a) Except as provided in subsections (b) and (c), an  
6 adult may enter into a supported decision-making agreement. A supported  
7 decision-making agreement allows an adult to receive decision-making  
8 assistance with the adult's affairs from one or more other adults.

9 (b) The adult wanting to receive decision-making assistance shall not  
10 enter into a supported decision-making agreement unless the adult:

11 (1) Enters into the agreement voluntarily and without coercion or  
12 undue influence; and

13 (2) understands the nature and effect of the agreement.

14 (c) An adult shall not enter into a supported decision-making  
15 agreement if the agreement encroaches on the authority of a guardian or  
16 conservator of the adult, unless the guardian or conservator approves in  
17 writing the adult entering into the supported decision-making agreement.

18 (d) A supporter shall be an adult, but shall not be a person against  
19 whom a protective order or restraining order has been entered by a court  
20 on request of or on behalf of the principal.

21 New Sec. 4. (a) A supported decision-making agreement shall:

22 (1) Name one or more adults to provide a principal with decision-  
23 making assistance;

24 (2) describe the decision-making assistance that each person acting as  
25 a supporter may provide the principal; and

26 (3) contain a notice to third parties that summarizes the rights and  
27 obligations of the supporter under the supported decision-making  
28 agreements act and expressly identifies sections 1 through 9, and  
29 amendments thereto.

30 (b) A supported decision-making agreement may:

31 (1) Name an alternate supporter to act in the place of a supporter and  
32 the circumstances under which the alternate supporter may act;

33 (2) authorize a supporter to share information with another supporter  
34 named in the agreement, including an alternate supporter.

35 (c) A supported decision-making agreement shall contain a separate  
36 declaration by each supporter, including an alternate supporter, that states  
37 the supporter's relationship with the principal, states the willingness of the  
38 supporter to act as a supporter for the principal and indicates that the  
39 supporter acknowledges the duties of a supporter under the supported  
40 decision-making agreements act. Each declaration shall be signed by the  
41 supporter making the declaration.

42 New Sec. 5. (a) A supported decision-making agreement shall be  
43 valid if:

- 1 (1) The agreement is dated and in writing;
- 2 (2) the agreement satisfies the requirements of sections 3 and 4, and
- 3 amendments thereto;
- 4 (3) the agreement has been signed by the principal and each named
- 5 supporter, including any alternate supporter, under penalty of perjury; and
- 6 (4) when the principal has a guardian or conservator, the principal has
- 7 notified the guardian or conservator of the agreement.
- 8 (b) A supported decision-making agreement shall be substantially in
- 9 compliance with the form set forth by the judicial council. The judicial
- 10 council shall develop a form for use under the supported decision-making
- 11 agreements act.
- 12 New Sec. 6. (a) A supported decision-making agreement may indicate
- 13 the date it becomes effective and its duration. If the agreement does not
- 14 indicate the date it becomes effective, the agreement becomes effective
- 15 immediately. If the agreement does not indicate its duration, the agreement
- 16 remains effective until terminated under this section.
- 17 (b) A principal may, at any time, terminate all or a portion of a
- 18 supported decision-making agreement. A supporter may, at any time,
- 19 terminate all or a portion of the supporter's obligations under a supported
- 20 decision-making agreement, including the declaration of support described
- 21 in section 4, and amendments thereto.
- 22 (c) A termination under this section shall be dated and in writing, and
- 23 a termination becomes effective immediately upon execution. The
- 24 termination shall be signed by the terminating party.
- 25 (d) If the principal who entered the supported decision-making
- 26 agreement becomes incapacitated, the agreement shall be terminated. A
- 27 third party is not liable or subject to a penalty for providing information to
- 28 a supporter after incapacity unless or until the third party has actual
- 29 knowledge that the principal is incapacitated or the agreement has been
- 30 terminated.
- 31 (e) A principal or supporter terminating all or a portion of a supported
- 32 decision-making agreement shall notify the other party to the agreement
- 33 that the agreement has been terminated. Notice shall be given in person, by
- 34 certified mail or by electronic means. Lack of notice does not invalidate
- 35 termination.
- 36 (f) If a portion of a supported decision-making agreement is
- 37 terminated under this section and the termination is consistent with this
- 38 section, the remainder of the agreement remains in effect.
- 39 New Sec. 7. (a) A supporter owes the principal a fiduciary duty to act
- 40 in accordance with the supported decision-making agreement.
- 41 (b) Except as limited by a supported decision-making agreement, a
- 42 supporter may provide to a principal the following decision-making
- 43 assistance about the principal's affairs:

1 (1) Assisting with making decisions, communicating decisions, and  
2 understanding information about, options for, the responsibilities of, and  
3 the consequences of decisions;

4 (2) accessing, obtaining, and understanding information that is  
5 relevant to decisions necessary for the principal to manage the principal's  
6 affairs, including medical, psychological, financial and educational  
7 information, medical treatment records and other records;

8 (3) ascertaining the wishes and decisions of the principal, assisting in  
9 communicating those wishes and decisions to other persons, and  
10 advocating to ensure the implementation of the principal's wishes and  
11 decisions; and

12 (4) accompanying the principal and participating in discussions with  
13 other persons when the principal is making decisions or attempting to  
14 obtain information for decisions.

15 (c) Accessing or obtaining financial information is defined as the  
16 ability to view, retrieve or obtain copies of account-related documents,  
17 including transaction histories, balance statements and other financial  
18 records associated with an account. Accessing or obtaining financial  
19 information does not include access to online banking accounts.

20 (d) Under subsection (b), a supporter may use the principal's dated  
21 consent to assist the principal in obtaining protected health information  
22 under the health insurance portability and accountability act of 1996  
23 (public law 104-191) or educational records under the family educational  
24 rights and privacy act of 1974, 20 U.S.C. § 1232g.

25 (e) A supporter shall not:

26 (1) Exert undue influence on the principal;

27 (2) make decisions for or on behalf of the principal;

28 (3) sign for the principal or provide an electronic signature of the  
29 principal to a third party;

30 (4) obtain, without the consent of the principal, information that is not  
31 reasonably related to matters with which the supporter may assist the  
32 principal under the supported decision-making agreement; or

33 (5) use, without the consent of the principal, information acquired for  
34 a purpose authorized by the supported decision-making agreement for a  
35 purpose other than assisting the principal to make a decision under the  
36 supported decision-making agreement.

37 (f) A supporter who collects information on behalf of the principal  
38 under the supported decision-making agreement shall:

39 (1) Keep the information confidential;

40 (2) not use the information for a use that is not authorized by the  
41 principal;

42 (3) protect the information from unauthorized access, use or  
43 disclosure; and

1 (4) dispose of the information properly when appropriate.

2 (g) A supporter acting in good faith in accordance with the provisions  
3 of this act shall not be liable to either the principal or any third party for  
4 any injuries, damages or other losses arising from a decision made by a  
5 principal in which the supporter assisted the principal or was otherwise  
6 involved.

7 New Sec. 8. (a) A person shall recognize a decision or request made  
8 or communicated with the decision-making assistance of a supporter under  
9 the supported decision-making agreements act as the decision or request of  
10 the principal for the purposes of a provision of law.

11 (b) A person who, in good faith, either acts in reliance on an  
12 authorization in a supported decision-making agreement or declines to  
13 honor an authorization in a supported decision-making agreement is not  
14 subject to civil or criminal liability or to discipline for unprofessional  
15 conduct for:

16 (1) Complying with an authorization in a supported decision-making  
17 agreement, if the person is complying based on an assumption that the  
18 underlying supported decision-making agreement was valid when made  
19 and has not been terminated;

20 (2) declining to comply with an authorization in a supported decision-  
21 making agreement if the person is declining based on actual knowledge  
22 that the supported decision-making agreement is unauthorized because:

23 (A) The financial institution cannot in good faith comply with the  
24 limitations set forth in the agreement; or

25 (B) the person makes or has actual knowledge that another person has  
26 made a report under K.S.A. ~~9-1431~~ or 39-1402 or **39-1431**, and  
27 amendments thereto, stating a good faith belief that the principal may be  
28 subject to physical or financial abuse, neglect, exploitation or  
29 abandonment by the supporter; or

30 (3) declining to comply with an authorization related to healthcare in  
31 a supported decision-making agreement, if the person is declining because  
32 the action proposed to be taken under the supported decision-making  
33 agreement is contrary to the good faith medical judgment of the person or  
34 to a written policy of a healthcare institution that is based on reasons of  
35 conscience.

36 New Sec. 9. (a) An adult who enters into a supported decision-  
37 making agreement may act without the decision-making assistance of the  
38 supporter.

39 (b) The execution of a supported decision-making agreement shall  
40 not constitute evidence that the principal does not have capacity.

41 (c) In the application of the supported decision-making agreements  
42 act:

43 (1) All adults are assumed to have capacity to manage their affairs as

1 defined in section 2(b) and (c), and amendments thereto;

2 (2) the act does not preclude the ability of the adult who has entered  
3 into such an agreement to act independently of the agreement;

4 (3) the manner in which the principal communicates with others is  
5 not grounds for deciding that such principal is incapable of managing such  
6 principal's affairs; and

7 (4) execution of a supported decision-making agreement may not be  
8 used as evidence for the petition or appointment of a guardianship or  
9 conservatorship.

10 Sec. 10. K.S.A. 2025 Supp. 21-5417 is hereby amended to read as  
11 follows: 21-5417. (a) Mistreatment of a dependent adult or an elder person  
12 is knowingly committing one or more of the following acts:

13 (1) Infliction of physical injury, unreasonable confinement or  
14 unreasonable punishment upon a dependent adult or an elder person;

15 (2) taking the personal property or financial resources of a dependent  
16 adult or an elder person for the benefit of the defendant or another person  
17 by taking control, title, use or management of the personal property or  
18 financial resources of a dependent adult or an elder person through:

19 (A) Undue influence, coercion, harassment, duress, deception, false  
20 representation, false pretense or without adequate consideration to such  
21 dependent adult or elder person;

22 (B) a violation of the Kansas power of attorney act, K.S.A. 58-650 et  
23 seq., and amendments thereto;

24 (C) a violation of the Kansas uniform trust code, K.S.A. 58a-101 et  
25 seq., and amendments thereto; ~~or~~

26 (D) a violation of the Kansas uniform guardianship, conservatorship  
27 and other protective arrangements act, K.S.A. 59-30,101 through 59-  
28 30,212, and amendments thereto; or

29 *(E) a violation of the supported decision-making agreements act,*  
30 *sections 1 through 9, and amendments thereto; or*

31 (3) omission or deprivation of treatment, goods or services that are  
32 necessary to maintain physical or mental health of such dependent adult or  
33 elder person.

34 (b) Mistreatment of a dependent adult or an elder person as defined  
35 in:

36 (1) (A) Subsection (a)(1) is a severity level 5, person felony, except as  
37 provided in subsection (b)(1)(B);

38 (B) subsection (a)(1) is a severity level 2, person felony, when the  
39 victim is a dependent adult who is a resident of an adult care home, as  
40 described in subsection (e)(2)(A), during the commission of the offense;

41 (2) subsection (a)(2) if the aggregate amount of the value of the  
42 personal property or financial resources is:

43 (A) \$1,000,000 or more is a severity level 2, person felony;

1 (B) at least \$250,000 but less than \$1,000,000 is a severity level 3,  
2 person felony;

3 (C) at least \$100,000 but less than \$250,000 is a severity level 4,  
4 person felony;

5 (D) at least \$25,000 but less than \$100,000 is a severity level 5,  
6 person felony;

7 (E) at least \$1,500 but less than \$25,000 is a severity level 7, person  
8 felony;

9 (F) less than \$1,500 is a class A person misdemeanor, except as  
10 provided in subsection (b)(2)(G); and

11 (G) less than \$1,500 and committed by a person who has, within five  
12 years immediately preceding commission of the crime, been convicted of a  
13 violation of this section two or more times is a severity level 7, person  
14 felony; and

15 (3) (A) subsection (a)(3) is a severity level 8, person felony, except as  
16 provided in subsection (b)(3)(B); and

17 (B) subsection (a)(3) is a severity level 5, person felony, when the  
18 victim is a dependent adult who is a resident of an adult care home, as  
19 described in subsection (c)(2)(A), during the commission of the offense.

20 (c) It shall be an affirmative defense to any prosecution for  
21 mistreatment of a dependent adult or an elder person as described in  
22 subsection (a)(2) that:

23 (1) The personal property or financial resources were given as a gift  
24 consistent with a pattern of gift giving to the person that existed before the  
25 dependent adult or elder person became vulnerable;

26 (2) the personal property or financial resources were given as a gift  
27 consistent with a pattern of gift giving to a class of individuals that existed  
28 before the dependent adult or elder person became vulnerable;

29 (3) the personal property or financial resources were conferred as a  
30 gift by the dependent adult or elder person to the benefit of a person or  
31 class of persons, and such gift was reasonable under the circumstances; or

32 (4) a court approved the transaction before the transaction occurred.

33 (d) No dependent adult or elder person is considered to be mistreated  
34 under subsection (a)(1) or (a)(3) for the sole reason that such dependent  
35 adult or elder person relies upon or is being furnished treatment by  
36 spiritual means through prayer in lieu of medical treatment in accordance  
37 with the tenets and practices of a recognized church or religious  
38 denomination of which such dependent adult or elder person is a member  
39 or adherent.

40 (e) As used in this section:

41 (1) "Adequate consideration" means the personal property or  
42 financial resources were given to the person as payment for bona fide  
43 goods or services provided by such person and the payment was at a rate



1 customary for similar goods or services in the community that the  
2 dependent adult or elder person resided in at the time of the transaction.

3 (2) "Dependent adult" means an individual 18 years of age or older  
4 who is unable to protect the individual's own interest. ~~Such term shall~~  
5 ~~include~~ "Dependent adult" includes, but is not limited to, any:

6 (A) Resident of an adult care home including, but not limited to,  
7 those facilities defined by K.S.A. 39-923, and amendments thereto;

8 (B) adult cared for in a private residence;

9 (C) individual kept, cared for, treated, boarded, confined or otherwise  
10 accommodated in a medical care facility;

11 (D) individual with intellectual disability or a developmental  
12 disability receiving services through a community facility for people with  
13 intellectual disability or residential facility licensed under K.S.A. 39-2001  
14 et seq., and amendments thereto;

15 (E) individual with a developmental disability receiving services  
16 provided by a community service provider as provided in the  
17 developmental disability reform act; or

18 (F) individual kept, cared for, treated, boarded, confined or otherwise  
19 accommodated in a state psychiatric hospital or state institution for people  
20 with intellectual disability.

21 (3) "Elder person" means a person 60 years of age or older.

22 (f) An offender who violates the provisions of this section may also  
23 be prosecuted for, convicted of, and punished for any other offense in  
24 article 54, 55, 56 or 58 of chapter 21 of the Kansas Statutes Annotated,  
25 and amendments thereto, or K.S.A. 21-6418, and amendments thereto.

26 Sec. 11. K.S.A. 2025 Supp. 21-5417 is hereby repealed.

27 Sec. 12. This act shall take effect and be in force from and after its  
28 publication in the statute book.