

Date: March 13, 2019

From: AARP Kansas

Ref: Support of House Bill 2034 – Supported Decision Making Agreements
Senate Judiciary Committee

Chairman Rick Wilborn and Members of the Committee:

Good morning Chairman Wilborn and members of the Senate Judiciary Committee. My name is Ernest Kutzley and I am the Advocacy Director for AARP Kansas. AARP is a nonprofit, nonpartisan organization with more than 318,000 members living in Kansas. AARP is dedicated to enhancing the quality of life for all as we age. Thank you for this opportunity to provide written testimony in support of HB 2034.

AARP supports state efforts to provide individuals and their caregivers the tools they need to make important decisions safely, effectively, and collaboratively. HB 2034 provides individuals who may need support for certain life decisions an additional tool that can help promote independence and choice.

While supported decision making agreements (SDMA) have been more common for people with developmental disabilities, the concept is increasingly recognized as a useful tool for older people and advance planning. Supported decision-making agreements could be a useful tool, where appropriate, for aging Kansans as a least restrictive alternative to a full guardianship. An older adult can use a supported decision making agreement and retain the right to make their own decision with the support they need. This process can be used to help individuals and their families plan for future decision making and avoid the need for guardianship.

SDMA is particularly useful for people with a diagnosis of early stage dementia, like Alzheimer's disease. These individuals may have enough impairment to make a diagnosis but may also have sufficient capacity to continue to make most of their decisions. Nevertheless, whether by such a diagnosis or simply by age, often these individuals seem to become invisible to medical providers, banks, and even family members and friends. Instead, other people often direct conversation to a spouse or an

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adult child as if the older person is not there and couldn't possibly understand anyway. Not only is this a gross misunderstanding of the disease, it denies the older person the dignity and respect of self-determination and making choices.

The SDMA utilizes the practice familiar to all of us of seeking counsel from trusted family, friends, and professionals.

However, a supported decision making agreement does not allow the supporter to make financial and other life decisions for another person. Instead, a supporter's help can be instrumental in helping a loved one make their own decisions.

Supporters serve in good faith and should know the signs of abuse, how to report suspected abuse, and should provide this information to the individual they are supporting. Additionally, a supported decision making agreement can be revoked if the individual receiving the support suspects abuse by the supporter.

We believe policymakers should encourage autonomy and provide alternative protective arrangements that are less restrictive than guardianship, when appropriate. Therefore, AARP Kansas supports HB 2034, and we will stay involved to assist in the process of implementation and community education.

Thank you for taking our testimony.

Respectfully,
Ernest Kutzley