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Date: March 11, 2021

The Honorable Fred Patton  
Chair, House Judiciary Committee

Re: Support for House Bill 2122

Chairman Patton and Members of the Committee:

Good afternoon Chairman Patton and members of the House 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 290,000 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 2122.

AARP supports state efforts to provide individuals and their caregivers the tools they need to make important decisions safely, effectively, and collaboratively. HB 2122 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 as a less restrictive alternative to full guardianship. An older adult can use a supported decision-making agreement and retain the right to make their own decisions with the support they need.

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 own decisions. It can also be useful for older English language learners or those who may have certain cultural or religious values. Nevertheless, whether by a diagnosis, cultural differences, or simply by age, often these individuals seem to become invisible to medical providers, banks, and even family members and friends. Directing conversation to a caregiver rather than the individual is not only a gross misconception of their ability to understand but also denies that individual the dignity and respect of self-determination and making choices.

(Over)

The SDMA utilizes the practice familiar to all of us in 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 assistance can be instrumental in helping a loved one make their own decisions.

Supporters should always 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 2122, and we will stay involved to assist in the process of implementation and community education.

Thank you for taking our testimony.

Respectfully,  
Ernest Kutzley