



January 24, 2019

Representative John Barker, Chair
House Committee on Federal and State Affairs
Kansas State Capitol
Room 346-S
Topeka, Kansas 66612

Re: In SUPPORT of HB 2034; *Enacting the supported decision-making agreements act to provide a statutory framework for adults who want decision-making assistance.*

Dear Chair Barker, Vice Chair Averkamp, Ranking Member Ruiz and Members of the Committee -

I am submitting this testimony in support of HB 2034 (the “supported decision making agreements act”) as a parent of a young adult with autism, a constituent of Kansas House District 8, and as Director of State Government Affairs for Autism Speaks.

When students reach the age of majority (18 years), rights of parents legally transfer to the student. This includes rights related to legal decisions regarding educational services, health care, and finances. The capacity for an 18-year-old to make sound decisions varies considerably — especially for students receiving special education services under an Individualized Education Program (IEP).

It is imperative for transition-aged students on an IEP, their families and other members of the IEP team to carefully consider the student’s capacity to make reasonably sound life-decisions, and plan for what level and types of support will be needed upon reaching the age of majority. A continuum of supports must be considered with the *least restrictive* option that allows for sound decision-making being the preferred solution.

After careful consideration, it may be concluded that guardianship is the appropriate solution for some students with severely limited capacity. However, guardianship would be overly restrictive for students who are academically capable but have challenges with executive functioning and independent living skills (e.g., many students with autism).

Supported decision making agreements provide for an individualized level of support where the principal (i.e., the newly legal adult) retains the legal authority to make their own decisions but with optional guidance from trusted “supporters.” While durable powers of attorney offer a similar solution, supported decision making agreements do not require involvement of a lawyer and the associated costs.

Please contact me at your convenience if I can provide additional information. I urge the committee's support of HB 2034.

Sincerely,

A handwritten signature in black ink, appearing to read 'M Wasmer', with a long horizontal flourish extending to the right.

Michael Wasmer
Director, State Government Affairs
Autism Speaks
michael.wasmer@autismspeaks.org

Autism Speaks is the nation's leading autism awareness, science, and advocacy organization. We are dedicated to promoting solutions, across the spectrum and throughout the life span, for the needs of individuals with autism and their families. We do this through advocacy and support, increasing understanding and acceptance, and advancing research and information. Autism Speaks supports non-partisan policies that meet the autism community's needs.