



DCF Legislative Testimony

March 11, 2025

PROPONENT

TESTIMONY OF: Chrys Khatib, Deputy Director for Adult Protection Services, Department for Children and Families

TESTIMONY ON: HB 2359 - Enacting the uniform adult guardianship and protective proceedings jurisdiction act and the uniform guardianship, conservatorship and other protective arrangements act.

DCF | HB2359 | ADULT GUARDIANSHIP

Chair Warren and members of the committee. Thank you for the opportunity to provide testimony in SUPPORT of House Bill No. 2339, an act protecting vulnerable adults by enacting the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act and the Uniform Guardianship, Conservatorship and Other Protective Arrangements Act.

HB2359 protects vulnerable adults by requiring courts to avoid appointing a full guardianship or conservatorship when less restrictive alternatives, such as supported decision-making or limited guardianship or protective arrangements, could provide adequate protections for the adult. The bill also respects the adult's autonomy and self-determination by requiring guardians to consider the adult's preferences when making decisions on behalf of the adult.

Per KSA 39-1430, DCF, Adult Protective Services (APS) has the statutory responsibility to conduct investigations of adult abuse, neglect, and financial exploitation; complete evaluations for the involved adult in need of services; assist in obtaining appropriate social services; and assist in securing medical and legal services to prevent or end abuse, neglect, or financial exploitation. In SFY2024, APS experienced an 11% increase in cases assigned for further assessment. The increase in cases corresponds with forecast data from the Center for Economic Development and Business Research that adults aged 65 and over are the fastest-growing age demographics. Of the 10,608 investigations assigned, approximately 200 were assessed and/or referred for guardianship either with a family member or through the Kansas Guardianship Program.

HB 2359 emphasizes a person-centered philosophy requiring individualized plans for persons subject to guardianship or conservatorship. The petitioner will be required to consider less restrictive alternatives to guardianship, such as supportive decision-making arrangements or protective arrangements, before recommending full guardianship. This approach recognizes that adults may need assistance with certain aspects of their lives without necessarily losing all decision-making authority. This will require collecting additional data, multiple collateral interviews, and requesting records from agencies who have provided services to support the adult in the least restrictive environment. This evidence must be presented to legal counsel before filing for guardianship.

DCF has sixty-eight APS Protection Specialists statewide. Protection Specialists' monthly case assignments vary, with higher assignment rates in the urban areas and fewer in rural areas. Considering the requirements of HB2359, APS reasonably anticipates needing an additional 6-12 hours per case in which a guardianship is considered for an involved adult. APS is respectfully requesting one position to assist statewide with guardianships. This position would work with the APS Protection Specialist to assist in identifying the adult's needs, obtaining additional evaluations, and determining if a protective arrangement could be a better alternative, including appropriate supportive services or supported decision-making. Additional responsibilities may include sharing data to assist in developing initial guardianship plans. As Kansas grows older, it's foreseeable the number of guardianships filed will rise over the next 15 years.

Thank you again for the opportunity to provide testimony on House Bill 2359. DCF supports this legislation as written and would ask that the committee pass favorably.