

## HOUSE BILL No. 2311

By Committee on Child Welfare and Foster Care

Requested by Representative Humphries

2-6

1 AN ACT concerning children and minors; relating to the secretary for  
2 children and families; prohibiting the secretary from adopting and  
3 enforcing policies for placement, custody or appointment of a custodian  
4 that may conflict with sincerely held religious or moral beliefs  
5 regarding sexual orientation or gender identity; creating a right of  
6 action for violations.

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

9 Section 1. (a) The secretary for children and families shall not adopt,  
10 implement or enforce a policy for selection as an out-of-home or adoptive  
11 placement or custody for adoption, appointment as a permanent or SOUL  
12 custodian or licensure under K.S.A. 65-501 et seq., and amendments  
13 thereto, that:

14 (1) Requires a person to affirm, accept or support any governmental  
15 policy regarding sexual orientation or gender identity that may conflict  
16 with the person's sincerely held religious or moral beliefs; or

17 (2) prohibits selection, appointment or licensure, if otherwise eligible,  
18 of a person because of such person's sincerely held religious or moral  
19 beliefs regarding sexual orientation or gender identity or intent to guide or  
20 instruct a child consistent with such beliefs.

21 (b) This section shall not be construed to:

22 (1) Prohibit the secretary from considering the religious or moral  
23 beliefs of a child or the child's biological family or community, including,  
24 but not limited to, beliefs regarding sexual orientation and gender identity,  
25 in relation to the religious or moral beliefs of a person selected or being  
26 considered for placement, custody or appointment, when determining  
27 whether an out-of-home or adoptive placement, custody for adoption or  
28 appointment of a custodian is in the best interests of the child; or

29 (2) prohibit or relieve the secretary from making out-of-home or  
30 adoptive placements, custody for adoption or appointments of a custodian  
31 in the best interests of the child as otherwise required by law.

32 (c) A person aggrieved by a violation of subsection (a) may recover  
33 actual and punitive damages, injunctive relief, costs and reasonable  
34 attorney fees.

35 (d) This section shall be a part of and supplemental to the revised

1 Kansas code for care of children.

2 Sec. 2. This act shall take effect and be in force from and after its  
3 publication in the statute book.