

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 **{against the secretary for children and**
7 **families}**.
8

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

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

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

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

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

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

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

33 (c) **{(1)}** A person aggrieved by a violation of subsection (a) may

1 recover actual—~~and~~—punitive damages, injunctive relief, costs and
2 reasonable attorney fees **{from the department for children and**
3 **families.**

4 **(2) The department for children and families shall be liable for**
5 **any action taken by a contractor that violates this section.}**

6 **{(3) No action for a violation of subsection (a) shall be brought**
7 **against an entity that contracts with the department}.**

8 (d) This section shall be a part of and supplemental to the revised
9 Kansas code for care of children.

10 Sec. 2. This act shall take effect and be in force from and after its
11 publication in the ~~statute book~~ ***Kansas register.***