

HOUSE BILL No. 2311

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

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

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

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

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

(b) This section shall not be construed to:

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

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

(c) (1) A person aggrieved by a violation of subsection (a) may recover actual damages, injunctive relief, costs and reasonable attorney fees from the department for children and families.

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

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

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

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the House, and passed that body

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HOUSE concurred in  
SENATE amendments \_\_\_\_\_

\_\_\_\_\_  
*Speaker of the House.*

\_\_\_\_\_  
*Chief Clerk of the House.*

Passed the SENATE  
as amended \_\_\_\_\_

\_\_\_\_\_  
*President of the Senate.*

\_\_\_\_\_  
*Secretary of the Senate.*

APPROVED \_\_\_\_\_

\_\_\_\_\_  
*Governor.*