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MEMORANDUM

To: Chairman Estes and Members of the Committee on Federal and State Affairs
From: Matt Sterling, Assistant Revisor of Statutes
Date: March 20, 2018
RE: Senate Bill 401

SB 401 concerns child placement agencies and their sincerely held religious beliefs. To the extent allowed by federal law, the bill would allow a child placement agency to not perform, assist, counsel, recommend, consent to, refer or otherwise participate in any placement of a child for foster care or adoption when the proposed placement of such child would violate the sincerely held religious beliefs of such agency.

The bill would prohibit the denial, failure to renew, or revocation of a license, permit or other authorization of a child placement agency by any state agency or political subdivision of the state solely because of the agency's objection to performing, assisting, counseling, recommending, consenting to, referring or otherwise participating in a placement that violates the sincerely held religious beliefs of that agency.

The bill would also prohibit the denial of any grant of contract or participation in a program by a state entity to a child placement agency solely because of the agency's objection to performing, assisting, counseling, recommending, consenting to, referring or otherwise participating in a placement that violates the sincerely held religious beliefs of that agency.

The bill would require that the refusal of a child placement agency to perform, assist, counsel, recommend, consent to, refer or otherwise participate in any placement that would violate the sincerely held religious beliefs of that agency would not form the basis for the imposition of a civil fine or other adverse administrative action or any claim or cause of action under any state or local law.

The bill would require that the sincerely held religious beliefs of a child placement agency be described in such agency's organizing documents, its written policies or such other written document approved by the governing body of the agency.

The provisions of SB 401 would not apply to any entity that has an existing contract with the Department for Children and Families as a case management contractor.

- Under SB 401, the term "child placement agency" means:
A business or service conducted, maintained or operated by a person engaged in finding homes for children by placing or arranging for the placement of such children for adoption or foster care, and who is licensed under K.S.A. 65-501 et seq., and amendments thereto.