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Testimony in Opposition to HB 2311, Prohibiting the secretary from adopting and enforcing policies for placement, custody and appointment of a custodian that may conflict with sincerely held religious or moral beliefs regarding sexual orientation or gender identity and creating a right of action for violations

Rabbi Moti Rieber, Executive Director

Senate Committee on Public Health and Welfare, Sen. Beverly Gossage, chair

March 12, 2025

Mme. Chair, Members of the Committee:

Thank you for the opportunity to submit testimony today. My name is Rabbi Moti Rieber, and I am the Executive Director of Kansas Interfaith Action, a statewide, multifaith issue-advocacy organization that “puts faith into action” on a variety of important social and economic justice issues. We work with many of the Mainline denominations in Kansas, the local judicatories of the ELCA Lutheran Church, the United Church of Christ, and the United Methodist Church. I stand in opposition to HB 2311.

Nationwide, 30% of foster children identify as LGBTQ+. Although LGBTQ+ youth enter the foster care system for many of the same reasons as non-LGBTQ+ youth in care, such as abuse, neglect, and parental substance abuse, many LGBTQ+ youth have the additional trauma that comes with being rejected or mistreated because of their sexual orientation, gender identity or gender expression¹ - often due, unfortunately, to the parents’ religious beliefs. This bill would make it so placement agencies couldn’t even ask a prospective foster- or adoptive parent their attitudes toward this issue, putting the child at risk of being put right back into a situation similar to the one they just escaped - at risk of lawsuit.

This law could and I think would lead to situations where the foster parents could subject the child in their care to abusive “conversion therapy,” a practice that has been discredited by all major American medical, psychiatric, psychological and professional counseling organizations but unfortunately is still legal in Kansas. People who are hostile to LGBTQ+ people might also be averse to other health measures, such as immunizations and contraceptive and sexual healthcare - all to the detriment of the child.²

This bill doubles down on already discriminatory Kansas law by adding that the foster and adoptive parents must be considered even if their beliefs could be harmful to an LGBTQ+ child, and allows them to sue if they disagree with the agency's decision. Right now placement services can screen prospective parents and steer LGBTQ+ children to appropriate placements - this bill forbids that screening. Stated plainly, putting an LGBTQ+ child into a placement with a family that thinks their behavior is sinful is potentially putting that child at risk of abuse.

Of course, people can hold whatever religious beliefs they want - that is guaranteed in the First Amendment. But like every right, it is limited when it interferes with someone else’s right, and that freedom should not be at the expense of the well-being of children who, through no fault of their own, are in state care. This bill would hurt LGBTQ+ children and youth who will be denied affirming, supportive care and families, and could be subjected to additional trauma. The needs of the child - the stabilization of their environment, the affirmation and support they receive - should come before the religious beliefs of the parents, if those beliefs are harmful to the child. This bill,

¹ Human Rights Campaign, “LGBTQ+ Youth in the Foster Care System,” <https://www.thehrcfoundation.org/professional-resources/lgbtq-youth-in-the-foster-care-system#> (accessed Feb. 15, 2025)

² Center for Study of Social Policy, “Religious Refusal Laws in Child Welfare — Harming Children and Stunting Progress,” <https://cssp.org/wp-content/uploads/2018/08/Religious-Refusal-Laws-in-CW.pdf>, Oct. 2017 (accessed Feb. 15, 2025)

if passed, could and I think would exacerbate all of these issues, to the detriment of the children, and to our state. Far from preventing religious prejudice, this bill would codify it.

This is framed as a religious freedom bill, but see it as yet another front in this legislature's ongoing war against LGBTQ+ children. Anti-trans bills, pronoun bills, and now religious discrimination bills - it seems like an obsession. KIFA has been fighting these bills every step of the way because we believe that LGBTQ+ children are beloved children of God, deserving of affirmation and a supportive and loving environment. This legislature has already done enough damage to LGBTQ+ children in our state - let's not add this on top of it.

KIFA urges you to vote no on HB 2311. Thank you for your attention.