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MEMORANDUM

To: Senate Committee on Public Health and Welfare
From: Office of Revisor of Statutes
Date: March 12, 2025
Subject: House Bill 2311 – As Amended by House Committee of the Whole

House Bill 2311, as amended, proposes a new section of law prohibiting the secretary for children and families from adopting certain policies regarding placement, custody and appointment of custodians of children who are in custody of the secretary.

Subsection (a) prohibits the secretary from adopting, implementing or enforcing a policy for selection as an out-of-home placement or custody for adoption, appointment as a permanent or SOUL custodians or for licensure that would: (1) Require a person to affirm, accept or support a policy regarding sexual orientation or gender identity that may conflict with the person's beliefs; (2) Prohibit selection of, if otherwise eligible, a person based on such person's beliefs regarding sexual orientation or gender identity.

Subsection (b) states that the new section shall not be construed to: (1) Prohibit the secretary from considering the beliefs of the child or the child's family or community in relation to a person being considered for selection for placement, custody or appointment when determining if such placement, custody or appointment is in the best interests of the child; or (2) prohibit the secretary from making selections otherwise required by law.

Subsection (c) would allow a person aggrieved by a violation of subsection (a) to recover actual , injunctive relief, costs and reasonable attorney fees. The House Committee of the Whole amended the bill to specify that damages in such civil actions would be recovered from the department from children and families and no such actions shall be brought by an entity contracting with the department.

The section would be a part of the revised Kansas code for care of children. If enacted, the bill would take effect upon publication in the statute book, July 1, 2025.