

HOUSE BILL No. 2311

By Committee on Child Welfare and Foster Care

Requested by Representative Humphries

2-6

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.

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) A person aggrieved by a violation of subsection (a) may recover actual and punitive damages, injunctive relief, costs and reasonable attorney fees.

(d) This section shall be a part of and supplemental to the revised

1 Kansas code for care of children.

2 Sec. 2. This act shall take effect and be in force from and after its
3 publication in the statute book.