

Policies Prohibited in the Kansas Revised Code for the Care of Children; HB 2311

HB 2311 creates law in the Kansas Revised Code for the Care of Children prohibiting the Secretary for Children and Families (Secretary) from adopting, implementing, or enforcing certain policies with respect to who can be considered for selection as out-of-home or adoptive placement or custody, or for appointment as permanent or SOUL custodian for a child in need of care.

Policies that the Secretary is prohibited from adopting, implementing, or enforcing include any that:

- Require 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
- Prohibit 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.

The bill specifies that nothing could be construed to prohibit the Secretary from considering the religious or moral beliefs of a child or the child's biological family or community, including beliefs regarding sexual orientation and gender identity, in relation to those persons who are being considered for out-of-home or adoptive placement, custody, or appointment when determining what placement is in the best interests of the child.

The bill allows a person aggrieved by a violation of the proscribed conduct in the bill to recover actual damages, injunctive relief, costs, and reasonable attorney fees from the Department for Children and Families (DCF), but prohibits actions from being brought against an entity that contracts with DCF.