

Senate Federal and State Affairs Committee, March 20, 2018
Testimony of Troy Cumings, Bethany Christian Services board member
Proponent on SB 401

My name is Troy Cumings. I'm a board member of Bethany Christian Services. Bethany Christian is a global child welfare organization with offices in 38 states and 16 countries. Our motto is: "Every child deserves a loving family", and we offer the full suite of services to help bring and keep families together. Bethany Christian is headquartered in Grand Rapids, Michigan.

At Bethany, we are compelled by our faith to serve, and we adhere to the values and beliefs of our faith when serving. Indeed, faith-based agencies have been serving children and families in this country long before the creation of governmental social-service agencies.

Unfortunately, it is this faith that has come under attack in recent years.

For example, in states like Massachusetts, Washington DC, Illinois, Pennsylvania, and California, state and local governments have taken the position that faith-based agencies must choose between their desire to help children and families and their fidelity to their religious principles. As a result, many faith-based agencies faced with this untenable decision have chosen to abandon their work for children. This resulted in fewer resources for children.

In 2012, a Virginia regulatory agency attempted to do the same thing. The Virginia legislature acted swiftly to enact legislation protecting the consciences of faith-based agencies so that the state regulators could not prohibit these agencies from providing much-needed services to children.

These occurrences across the country made clear that protections for faith-based child-welfare agencies are needed. Consequently, states have now begun acting to protect the ability of faith-based agencies to serve children. Michigan, Mississippi, South Dakota, and Texas have recently passed protective legislation. And similar legislation is currently moving in other states.

SB 401 before you today will essentially accomplish the same result by codifying the long-standing practice in Kansas of working with myriad private agencies to maximize resources for children.

Specifically, SB 401 will:

- Clarify that a child placement agency may not be required to be involved with a placement that conflicts with its religious beliefs.
- Prohibit the state or a local government from taking adverse actions against a child placement agency for declining to be involved with a placement that conflicts with its religious beliefs.
- Prohibit a child placement agency's refusal under the act from forming the basis for a fine, administrative action, or claim or cause of action under any state or local law.

I'd like to conclude my testimony by pointing out a few key aspects of this legislation.

First, it preserves the status quo. Currently, the state through the case management contractors partners with many child placement agencies that together cover anyone anywhere in the state. Every potential foster or adoptive family in Kansas can be paired with an agency. This legislation does not create a new system or process.

In addition, this legislation does not limit anyone's rights. Under Kansas's long-standing practice of working with child placement agencies, I am not aware of even one situation where a person who was legally able to participate in adoption or foster care was not able to be paired with an agency. And this is true across the nation. The practice works: The state partners with a diverse group of child placement agencies that together as a whole will work with everyone. The practice allows the state to accept assistance from all types of agencies to maximize the resources that are so critical for children while at the same time not limiting anyone's rights.

The bill also fosters the free exercise of religion. The decision to adopt or participate in foster care is a deeply personal and many times faith-based decision. We can verify that many of the families that Bethany recruits work with Bethany because of our faith commitment. And the typical definition of what's in the best interest of children requires the consideration of a child's faith. On this point, I can testify personally. I'm an adoptive father of two children born in Ethiopia. My adoption journey was entirely compelled by my faith. I have two biological children and had no interest in adoption. I was called through my faith. A critical part of my journey was being able to work with an agency in Bethany that understood and was able to encourage my faith journey. The bill protects the ability of Kansans of faith to exercise their religious commitment to serve orphans through faith-based agencies.

Further, the bill maintains government neutrality in matters of faith. SB 401 does not judge or adopt a particular belief. The government remains neutral and does not endorse a particular view. The bill simply allows faith-based agencies to remain true to their conscience in providing critical services to children and families. And this is consistent with a vital notion in our pluralistic society: The ability and freedom of Americans of any faith or no faith at all to be free to serve the needy in ways consistent with the commitments that inspire their service in the first place. Although not everyone may agree with each other's beliefs, the truth is that religious beliefs compel individuals and organizations to help children. And this is something everyone can agree with and support.

Finally, this bill offers a solution to the toxic discussion currently across the country surrounding this issue. Unfortunately, the discussion is divisive and not focused on what is most important—with adults arguing about religious liberty on one side and sexual rights on the other side. The result is that the most vulnerable and needy kids suffer. States have started to look beyond the politically-charged discussion and focus on the best policy for kids. This bill does just that: it puts into law the long-standing system used in Kansas and across the country to ensure that all Kansans can participate in adoption and foster care while at the same time allowing all child placing agencies to collaborate with the government to maximize resources for children. I urge you to join the growing number of states in supporting this common-sense piece of legislation.