



*End discrimination based on
sexual orientation and
gender identity*

Thomas Witt
Executive Director, Equality Kansas
Opponent statement on SB 401
Senate Committee on Federal and State Affairs
March 21, 2018

Greetings Mr. Chairman and members of the committee –

Thank you for the opportunity to speak to you. Equality Kansas advocates for fair treatment of our state's population of lesbian, gay, bi, and transgender Kansans, and it is on their behalf I address you today.

Equality Kansas does not object to religious organizations observing their religious principles in providing private adoption services. **Our objection is to the use of taxpayer dollars being used to discriminate against the LGBT population of our state.**

The truth of SB401 is this: it has nothing to do with private adoptions. They are targeted at "Child in Need of Care" contracts with the Kansas Department for Children and Families (DCF). This bill will allow private child placement agencies to be paid taxpayer dollars to provide state services to Kansans, and then **refuse to serve entire categories of Kansas citizens.** *This is similar to 2014's HB 2453, which would have allowed state employees to refuse to serve LGBT Kansans.*

DCF places children in foster and adoptive homes based on the "best interest of the child." **SB401 will overturn "best interest" practices** in favor of placements based on the religious demands of the placement agencies. **SB401 usurps the responsibility of DCF to place children in homes based on the best interest of the child. Instead, a religious test will be used by state contractors to determine suitability of a placement.**

The backers of these bills (*see attached Kansas Catholic Conference web page printout*) claim they will be "forced to shut down" if these bills are not passed. These claims are false. Any adoptions they are performing are private, and would remain so with or without passage of SB401.

The proponents, on their website, claim LGBT families will not be affected by this bill; however, this is demonstrably untrue. DCF awards child placement contracts by region. Should a regional contractor choose not to place children in LGBT households, *those families could have no other recourse or options.*

The proponents also claim they and they alone are effective at placing special-needs children in foster and adoptive homes. This claim is ludicrous. LGBT families across our state and our nation accept, foster, and adopt special needs children on a regular basis. **LGBT families provide permanent homes in cases where other families will not or cannot.**

These bills open the door to other state contractors being able to deny taxpayer-funded services to Kansans. Privatized KanCare providers are one example. As the State of Kansas moves to provide other taxpayer-funded services via private contractors (such as state hospitals), how many of those contractors will be able to claim "religion" as a means to deny service to or unfair treatment of certain groups?

Even the Kansas Catholic Conference states these bills will not affect their current adoption placement practices (see attached web page printout). This is nothing more than an egregious, discriminatory attack on LGBT Kansans.

The foster placement system in Kansas is already overwhelmed! Denying placements with LGBT families will make a difficult situation worse. Here is an Excerpt from “Kansas Foster Care System Overwhelmed As Even More Kids Flood In,” KCUR 89.3, by Madeline Fox, Feb 21, 2018:

Even in a system such as the one in Kansas — where the raw number of beds across foster homes, psychiatric facilities, shelters and group homes is close to the number of kids entering foster care — not all kids can be placed right away.

A 10-year-old boy might need care in a psychiatric residential treatment facility, but perhaps the only open beds are for girls.

*With the sheer number of kids coming in, that’s likely to happen more often. So **contractors are left with no better option other than an office couch**, and kids feeling unwanted.*

“It sends a message when kids are sleeping in offices that there isn’t a place for them.”

“Kids who are in the child welfare system are already struggling with not feeling like they belong,” said Christie Appelhanz, president of the nonprofit Children’s Alliance. “It sends a message when kids are sleeping in offices that there isn’t a place for them.”

The trend in overnight stays began for KVC Kansas in September of 2016. St. Francis Community Services, the western contractor, saw its first child sleep overnight in an office in February 2017.

*From there, it grew — and it’s still growing. **Last fiscal year, 108 kids slept in contractor offices. This fiscal year, with four months left to go, that number is already up to 167.***

*Most stayed one night, though a handful stayed two or three, or, this month, five. **So far, 20 children have stayed in an office overnight in February [of 2018].***

Kansas repeatedly set records for the number of children in foster care over the last five years. More than 7,200 kids landed in out-of-home placements as of December 2017, up 43 percent from the same time in 2012.

From January through June last year, KVC Kansas had at least two kids stay in its office who needed psychiatric care, but no residential treatment facility had room. St. Francis saw much the same pattern.

“We never want a kid to be in the office,” said Lindsey Stephenson, KVC Kansas’ vice president. “That’s always our very last option.”

***The fact that it was the only option 230 times in 2017 put the contractors in a tough spot.** They want to make kids as comfortable as possible when they stay in offices overnight — but putting in beds or setting up the offices as full shelters would mean surrendering to the idea that it’s become the new normal.*

Though the places these kids are staying are standard offices — desks, computers, ringing phones, filing cabinets — they’re also set up with kids in mind. Both KVC Kansas and St. Francis are accustomed to having kids in their offices for supervised family visits, or for meetings with social workers, or even while they’re waiting for placement during the day.

From the proponent's website, <http://www.protectadoptionchoice.org/> (Kansas Catholic Conference)



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About This Initiative

Thousands of children in the U.S foster system are in desperate need of a safe place to call home, particularly minority children, older children, and those with disabilities. Faith-based adoption agencies in Kansas have been giving these children forever homes for over 60 years.

Sadly, other states have implemented policy changes that prevent faith-based providers from serving in accordance with their sincerely held religious beliefs. Catholic Charities' adoption ministry was forced to shut down after 100 years of serving in Boston. Agencies in San Francisco, Illinois, and DC have also been forced to close because of their policy of only placing children in homes where they will have the lifetime benefit of a married mom and a dad.

Legislation being considered by the Kansas Legislature will ensure that faith-based agencies are free to serve the common good as they have for decades. This bill does not change existing policy related to foster care or adoption, rather it protects against any future policies that might target faith-based providers for their religious beliefs.

- Groups like the ACLU want to use the full force of the U.S. Government to shut down agencies they disagree with.
- Faith-based adoption services are particularly effective in placing special needs and hard to place children.
- More providers means more children placed in forever homes.
- When a birth mother's desire for her child is a faith-filled home with a forever mom and dad, hostile political activists should not be allowed to stand in her way.
- Shutting faith-based agencies down only limits birth mother choices and does not increase access for anyone.
- LGBT couples have the legal right to adopt in all 50 states. Nothing in this bill changes that.
- This bill simply allows faith-based providers to continue serving the common good by recruiting, training, and retaining families for children.

“ *If faith-based adoption agencies disappeared overnight, the entire system would collapse on itself.*

— CHUCK JOHNSON

President and CEO of THE NATIONAL COUNCIL FOR ADOPTION

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From the proponent's website,
<http://www.protectadoptionchoice.org/>
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TOP 3 REASONS
Why We Need Faith-Based Adoption Agencies

- 1**
They excel in placing special needs and hard-to-place older children
- 2**
They offer women who want to place their child for adoption the choice of a home with similar religious and moral beliefs
- 3**
They help the child and parents throughout the process and beyond with a built-in network and community of support

 **Bethany Christian Services** is the largest faith-based agency, with 120 offices in the U.S.

 **Catholic Charities** helps over 30,000 individuals every year with foster care, adoption placement, and other services

 ≈45% of adoptions placed by Catholic Charities, and ≈32% placed by Bethany Christian Services are **special needs or hard-to-place older children**

 **One Church, One Child** ensures African-American children are placed out of foster care and into loving homes

Shutting faith-based agencies down limits birth mother choices and does not increase access for anyone

**EVERYONE
LOSES**

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Take Action to Protect Adoption Choice

