



March 19, 2018

Members of the Senate Committee on Federal and State Affairs
c/o Phil Engelhardt
Kansas State Capitol
300 SW 10th Street, Room 136-E
Topeka, Kansas 66612

Re: Child Welfare League of America's opposition to SB 401.

Dear Senator:

There are few things more heart-wrenching than a child in need of a family. Unfortunately, in Kansas and across the country there are too many children in foster care who lack a stable, loving family to care for and nurture them. Finding a suitable foster or adoptive home can be a challenge, particularly for older children and those with special needs.

So it's distressing that the Kansas legislature is considering a law—SB 401—that would make it more difficult to find families, services and the placements that can serve the best interest of the more than 7,000 children in the state's foster care system. The proposed bill would authorize all child-placing agencies—including those that receive tax-payer funding under State contracts to care for children in State custody—to refuse to place a child with a qualified family just because that family doesn't meet the agency's religious criteria. If the bill becomes law, agencies could turn away prospective parents even when placement with the family would be in the best interest of a child in foster care waiting for a permanent home.

The sweeping language of this bill could have devastating effects for the children in Kansas's foster care system including the more than 2,300 awaiting adoption and the more than 2,000 children substantiated as abused and neglected. Though the bill appears to be an effort to allow agencies to refuse to place children with lesbian and gay parents (which would be profoundly inappropriate in its own right given that sexual orientation has no bearing on an individual's ability to be a good parent), the fact is that it has much broader implications. We live in a diverse society with diverse religious beliefs. If this bill becomes law, agencies could refuse to make placements with qualified families for countless reasons that have no relevance to the best interests of the children or the family's ability to provide a safe, loving home for a child. For example, an agency could refuse to make a placement with prospective adoptive or foster parents solely because they are of a different faith than the agency, because they don't regularly attend church, or because they are single or divorced.

If this law is enacted, many children could be deprived of the family that is best suited to meet their needs. A child could be denied a placement with a relative. A sibling group could be denied placement with the one family that is willing to keep them all together. A child with significant

medical needs could be denied a placement with a nurse who has the skills to properly care for her.

In addition, by allowing agencies to turn away qualified families, more Kansas children could be left with no family at all. Kansas already has far too many children waiting for families to come forward to adopt them. If people who are willing and able to open their hearts and homes to a child in need are turned away for religious reasons, we can't count on them continuing to knock on doors of other agencies until they are welcomed.

We are particularly concerned because the most recent trends across the United States related to the increasing prescription drug and heroin use are resulting in increases in foster care placements across the fifty states with numbers increasing by more than 15,000 foster care placements just over the past year alone. We know we do not have enough foster and adoptive parents and these national trends will only increase the pressure and need for more families.

This bill flies in the face of well-established professional child welfare standards, which provide that placement decisions must be based on the best interests of the child and, to ensure the broadest pool of families for children, mandate that “applicants should be assessed on the basis of their abilities to successfully parent a child needing family membership and not on their race, ethnicity or culture, income, age, marital status, religion, appearance, differing lifestyle, or sexual orientation.”

Some argue that without this legislation, we won't have enough agencies to serve the needs of all the children in the foster care system. There is simply no basis for this fear. Indeed, when agencies in states like Illinois and Massachusetts chose to withdraw from providing services within the foster care system after concluding that state child welfare standards were incompatible with their religious beliefs, children continued to receive services. These agencies transferred their cases to different agencies or became independent of the dissenting parent agency so as to continue providing services in compliance with state child welfare policy.¹

In instances where birth parents choose to place their children for adoption and decide to work with an agency to have their child placed with a family of a particular faith, they already have the right to do so. But when children are removed from their families by the State because of abuse or neglect, the State has a duty to place them in homes based on the children's needs and the prospective family's capacity to meet those needs, not the religious beliefs of the agencies it hires to find them families. These children have the right to have their placement decisions made based on child welfare criteria, not religious criteria.

¹ See, e.g., Manya A. Brachear, “Catholic Charities in Peoria Diocese to end state contracts, transfer foster care services,” Chi. Tribune, Oct. 7, 2011, http://articles.chicagotribune.com/2011-10-07/news/ct-met-peoria-catholic-charities-foster-care-20111007_1_glenn-van-cura-peoria-diocese-civil-unions; “New name: ‘Christian Social Services of Illinois,’” The Southern Illinoisian, Feb. 1, 2012, http://thesouthern.com/news/local/new-name-christian-social-services-of-illinois/article_d98e7474-4c7f-11e1-a064-001871e3ce6c.html.

Children in foster care have been through so much already. The last thing they need is a law that will make it harder for them to find the security of a loving home.

Sincerely,

A handwritten signature in black ink that reads "Christine James Brown". The signature is written in a cursive, flowing style.

Christine James-Brown
President/CEO, Child Welfare League of America