

**SENATE BILL No. 401**

By Committee on Federal and State Affairs

2-7

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1 AN ACT concerning children and minors; creating the adoption protection  
2 act; relating to the placement of children for foster care or adoption;  
3 relating to the religious freedoms of private entities providing such  
4 placement services.  
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6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. (a) The provisions of this section shall be known and may  
8 be cited as the adoption protection act.

9 (b) Notwithstanding any other provision of state law, and to the extent  
10 allowed by federal law, no child placement agency shall be required to  
11 perform, assist, counsel, recommend, consent to, refer or otherwise  
12 participate in any placement of a child for foster care or adoption when the  
13 proposed placement of such child would violate such agency's sincerely  
14 held religious beliefs.

15 (c) No child placement agency shall be denied a license, permit or  
16 other authorization, or the renewal thereof, or have any such license,  
17 permit or other authorization revoked or suspended by any state agency, or  
18 any political subdivision of the state solely because of the agency's  
19 objection to performing, assisting, counseling, recommending, consenting  
20 to, referring or otherwise participating in a placement that violates such  
21 agency's sincerely held religious beliefs.

22 (d) No child placement agency shall be denied any grant or contract,  
23 or participation in a program by any state agency, or any political  
24 subdivision of the state solely because of the agency's objection to  
25 performing, assisting, counseling, recommending, consenting to, referring  
26 or otherwise participating in a placement that violates such agency's  
27 sincerely held religious beliefs.

28 (e) Refusal of a child placement agency to perform, assist, counsel,  
29 recommend, consent to, refer or otherwise participate in any placement  
30 that would violate such agency's sincerely held religious beliefs shall not  
31 form the basis for the imposition of a civil fine or other adverse  
32 administrative action or any claim or cause of action under any state or  
33 local law.

34 (f) A child placement agency's sincerely held religious beliefs shall be  
35 described in such agency's organizing documents, its written policies or  
36 such other written document approved by the governing body of such

1 agency.

2 (g) As used in this section, the term "child placement agency" means  
3 a business or service conducted, maintained or operated by a person  
4 engaged in finding homes for children by placing or arranging for the  
5 placement of such children for adoption or foster care, and who is licensed  
6 under K.S.A. 65-501 et seq., and amendments thereto.

7 (h) The provisions of this section shall not apply to any entity that has  
8 an existing contract with the department for children and families as a case  
9 management contractor.

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