

Legislative Testimony

In **Opposition** HB2311

Senate Committee on Public Health and Welfare

March 12th, 2025

Written Only

Chair Gossage and Members of the Committee,

My name is Rashane Hamby, and I serve as the Director of Policy and Research at the American Civil Liberties Union (ACLU) of Kansas. The ACLU of Kansas is a nonpartisan, nonprofit organization with more than 35,000 supporters statewide, dedicated to protecting and advancing the civil rights and liberties of all Kansans. The ACLU of Kansas respectfully submits this testimony in strong opposition to HB 2311. This legislation would enshrine discrimination into law under the guise of religious freedom, permitting individuals to deny foster or adoptive placements based on personal beliefs regarding a child's sexual orientation or gender identity. Such a policy not only undermines the core mission of Kansas' child welfare system—to ensure the safety and well-being of vulnerable children—but also directly contradicts constitutional principles of equal protection under the law.

HB 2311 opens the door for the exclusion of LGBTQ+ youth from supportive, affirming homes simply because of who they are. These young people are already overrepresented in the foster care system due to family rejection and face higher rates of homelessness, mental health challenges, and abuse. Rather than addressing these systemic issues, this bill codifies discrimination, creating additional barriers to stability and support for children who need it most.

The legislation also raises serious legal concerns. By allowing individuals to refuse placements based on religious or moral beliefs, HB 2311 invites legal challenges under both state and federal non-discrimination protections. Courts have repeatedly held that while religious beliefs must be respected, they do not justify state-sanctioned discrimination—especially when it comes to government-funded services such as foster care and adoption. Kansas cannot afford to pass laws that invite costly litigation while simultaneously harming children in need of loving homes.

Furthermore, this bill does not reflect the principles of fairness and equal opportunity that Kansans value. Allowing child placement decisions to be dictated by individual biases rather than the best interests of the child is a dangerous precedent that puts vulnerable youth at risk. The state has an obligation to ensure that every child is placed in a safe, affirming, and stable environment, free from discrimination. HB 2311 does the opposite by prioritizing the personal beliefs of adults over the well-being of children.

For these reasons, we urge the Committee to reject HB 2311. Kansas must focus on strengthening protections for all children in state care, not creating policies that permit their

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exclusion. The ACLU of Kansas stands ready to work with legislators on real solutions that support the best interests of all children, rather than policies that legalize discrimination.

Thank you,
Rashane Hamby
ACLU KS Policy Director