

1 AN ACT relating to foster care and adoption services.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 199 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) As used in this section:*

6 *(a) "Foster care or adoption services" means social services provided to or on*
7 *behalf of children, including but not limited to the following:*

8 *1. Assisting abused or neglected children;*

9 *2. Teaching children and parents occupational, homemaking, and other*
10 *domestic skills;*

11 *3. Promoting foster parenting;*

12 *4. Providing foster homes, residential care, group homes, or temporary*
13 *group shelters for children;*

14 *5. Recruiting of foster parents;*

15 *6. Placing children in foster homes;*

16 *7. Operation of foster homes;*

17 *8. Promoting adoption or recruiting adoptive parents;*

18 *9. Assisting adoptions or supporting adoptive families;*

19 *10. Performing or assisting home studies;*

20 *11. Assisting kinship care givers or fictive kin caregivers;*

21 *12. Providing family preservation services;*

22 *13. Providing family support services; and*

23 *14. Providing temporary or permanent family reunification services; and*

24 *(b) "Religious organization" means any religious corporation, association,*
25 *educational institution, or society. The determination of whether an*
26 *organization is "religious" for purposes of this section shall be based on the*
27 *following factors, no one (1) of which shall be determinative:*

- 1 1. Whether the entity operates for a profit;
 - 2 2. Whether the entity produces a secular product;
 - 3 3. Whether the entity's articles of incorporation or other pertinent
4 documents state a religious purpose;
 - 5 4. Whether the entity is owned, affiliated with, or financially supported
6 by a formally religious entity such as a church or synagogue;
 - 7 5. Whether a formally religious entity participates in the management,
8 such as by having representatives on the board of trustees;
 - 9 6. Whether the entity holds itself out to the public as secular or
10 sectarian;
 - 11 7. Whether the entity regularly includes prayer or other forms of worship
12 in its activities;
 - 13 8. Whether the entity includes religious instruction in its curriculum, to
14 the extent it is an educational institution; and
 - 15 9. Whether the entity's membership is made up by coreligionists.
- 16 (2) A religious organization or an individual employed by a religious organization
17 while acting in the scope of that employment shall not be required to provide
18 foster care or adoption services to a person if the action would cause the
19 organization or individual to violate a sincerely held religious belief.
- 20 (3) (a) The refusal of a religious organization or an individual employed by a
21 religious organization while acting in the scope of that employment to
22 provide foster care or adoption services to a person under this section shall
23 not be the basis for a civil or criminal cause of action or any other action by
24 this state or a political subdivision of this state to penalize or withhold
25 benefits or privileges, including tax exemptions, governmental contracts,
26 grants, or licenses, from any protected organization or individual.
- 27 (b) A religious organization or an individual employed by a religious

1 *organization while acting in the scope of that employment shall have a*
2 *defense to any private cause of action for its refusal to provide foster care or*
3 *adoption services to a person under this section due to a sincerely held*
4 *religious belief.*