



**LEGAL NOTICE NO. ....**

**THE CHILDREN ACT  
(No. 29 of 2022)**

**THE CHILDREN (ADOPTION) REGULATIONS, 2024**

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**LEGAL NOTICE NO. ....**

**THE CHILDREN ACT  
(No. 29 of 2022)**

**IN EXERCISE** of the powers conferred by section 215 of the Children Act, 2022, the Cabinet Secretary for Labour and Social Protection makes the following Regulations —

**THE CHILDREN (ADOPTION) REGULATIONS, 2024**

**PART I — PRELIMINARY**

Citation.

**1.** These Regulations may be cited as the Children (Adoption) Regulations, 2024.

Interpretation.

**2.** In these Regulations, unless the context otherwise requires—

“Act” means the Children Act, 2022;

“adoption placement” means the placement of a child with an approved applicant for the purposes of adoption of the child by the approved applicant;

“adoption society” means a duly registered society accredited and licensed pursuant to section 208(5) of the Act;

“authorised officer” has the meaning assigned to it under section 2 of the Act;

“Cabinet Secretary” has the meaning assigned to it under section 2 of the Act;

“child” has the meaning assigned to it under Article 260 of the Constitution;

“Council” has the meaning assigned to it under section 2 of the Act;

“Court” means High Court established under Article 165 of the Constitution;

“Secretary” has the meaning assigned to it under section 2 of the Act;

“Registrar” means the Registrar of the High Court, and includes a Deputy Registrar;

“Register” means the Adopted Children Register maintained pursuant to section 200 (1) of the Act;

Objects and principles of these Regulations.

**3. (1) The objective of these Regulations is to —**

(a) Provide the procedure for the registration, **licensing and accreditation** of adoption societies, agencies, persons and associations;

(b) guide on the procedure for undertaking local adoption, kinship adoption, foreign adoption and inter-country adoptions as provided for under the Act;

(2) The implementation of these Regulations shall be guided by the following principles—

(a) ensuring that the best interests of the child are upheld;

(b) promoting the placement of the child in their own social-cultural environment; and

(c) confidentiality of all adoption proceedings.

Adoption of children with special needs.

**4. (1) The process of adoption of children with special needs shall be conducted as a matter of priority by the adoption societies and the Council from the date on which such children are declared legally free for adoption by the Council.**

(2) When processing the adoption of children with special needs, the adoption societies, Council and any person involved shall ensure that the prospective adoptive parents are notified of the special needs of the child, and are capable and willing to provide the care and attention required by the child.

## **PART II- REGISTRATION OF ADOPTION SOCIETIES**

### ***Registration***

Application for registration of an adoption society.

**5. (1)** Pursuant to section 208 of the Act, an application for registration as an adoption society shall be made to the Secretary in form CAR1 set out in the First Schedule and accompanied by —

- (a) the applicable fee set out in the Schedule;
- (b) a certificate of registration as legal entity issued at least twelve months prior to the making of the application for registration;
- (c) certified copies of certificates academic and professional qualifications of the directors of legal entity making the application;
- (d) a written description of the applicant's proposed programmes and procedures, including an explanation of the applicant's policy regarding—
  - (i) assessment of persons who apply for an adoption;
  - (ii) assessment of persons who wish to place a child for adoption through the applicant;
  - (iii) provision of counselling services for persons who apply for adoption and for adoptive parents;
  - (iv) provision of counselling services for persons who wish to place a child, or who have placed a child, for adoption through the applicant; and
  - (v) record keeping and storage of records;
- (e) audited financial accounts of the applicant for at least twelve months prior to the submission of the application for registration; and

(f) a written description of the applicant's registered office and physical location of its principal place of operation.

(2) An application under this regulation may be submitted in such other formats as the Secretary may specify from time to time.

(3) Within thirty days of receipt of the application under subregulation (1), the Secretary —

(a) shall review the application and the accompanying documents to determine if they meet the qualifications for registration; and

(b) may assess the applicant's principal place of operation to determine if it meets the requirements for registration under this regulation and prepare a report of the assessment.

(3) Within thirty days of receipt of the application under subregulation (1), the Secretary shall review the application and if satisfied, transmit the application and the accompanying documents to the Council for determination in accordance with section 208(3) of the Act.

(4) Upon receipt of the application and documents under subregulation (3), the Council shall determine the application taking into consideration—

(a) the capacity of the applicant to carry out adoption arrangements in a child friendly environment;

(b) the outcome of any assessment undertaken by Secretary in reviewing the application;

(c) the interest of the public on the approval registration of the adoption society; and

(d) any other relevant consideration.

(5) Where, pursuant to section 208(3) of the Act, the Council—

(a) approves an application, it shall issue a certificate of registration to a successful applicant in form CAR 2 set out in the First Schedule;

(b) rejects the application, it shall, in writing and through the Secretary, notify the applicant of the decision, within fourteen days of the determination, indicating the reasons thereof.

(6) The provision of section 208(6) shall apply to future applications for registration by the applicant.

(7) A person aggrieved by the rejection of their application under subregulation (5) may appeal to the Cabinet Secretary—

- (a) in form CAR 3 set out in the First Schedule;
- (b) within thirty days of the receipt of the notification of the refusal of the application.

Validity,  
transferability and  
display of certificate  
of registration.

**6.** A certificate of registration of an adoption society shall be valid for the period specified under section 208(6) of the Act.

(2) A certificate of registration of an adoption society issued under these Regulations shall not be transferable.

(3) A certificate of registration of an adoption society shall be maintained and displayed within the premises of operation of the adoption society in respect of which the certificate is issued.

Renewal of  
registration.

**7.** (1) Pursuant to section 208(6) of the Act, an application for renewal of registration as an adoption society shall be made to the Council—

- (a) at least sixty days before the date of the expiry of certificate of registration in respect of which the application is made;
- (b) in form CAR 4 set out in First Schedule;
- (c) accompanied by the fees set out in the Second Schedule;
- (d) accompanied by a detailed statement of any changes in the information given in the application for the initial registration, or since the date of the last review of registration, as the case may be.

(2) An application under this regulation shall be processed and determined in the manner specified under regulation 4.

(3) In considering an application under this regulation, the Council may require —

- (a) the Secretary to undertake an assessment of the applicant's principal place of operation in the manner set out under regulation 4(3);
- (b) the adoption society to submit a detailed statement of any changes to management or operations of the adoption society.

### ***Obligations and duties***

General obligations  
on registration.

**8.** (1) Upon registration under these Regulations, the adoption society shall constitute a case committee —

- (a) consisting of not less than three and not more than five persons, one of whom shall be a trained social worker and another to be a member of the community where the society is domiciled;
- (b) to consider as to whether a child should be placed for adoption in any case being considered by the adoption society;
- (c) to match children who been declared free for adoption with prospective adoptive parents

(2) An adoption society shall—

- (a) have duly qualified staff undertaking the operations of the adoption society which shall include—
  - (i) an administrator with knowledge and experience in matters relating to children;
  - (ii) a social worker with at least a diploma in social work from a learning institution recognised in Kenya;

- (b) have access to the services of a registered medical practitioner; and
- (c) uphold the objects and standards of the Act relating to upholding and safeguarding the best interests of the child.

Care and supervision.

**9.** (1) Pursuant to section 210(h) of the Act, an adoption society shall, in consultation with the Secretary, make adequate arrangements for the care and supervision of children who have been placed by their parents or guardians in the care of the adoption society pending their adoption.

(2) An adoption society shall, at least once in every three months in each calendar year, prepare a report on every child who is available for adoption but is not living under the direct control of the adoption society and submit the reports to the Secretary:

Provided that the reports shall be prepared until the child is adopted, or the Secretary otherwise directs.

Annual report.

**10.** Within three months after the end of each calendar year, an adoption society shall prepare annual report in Form No. CAR5 set out in the First Schedule and submit the report to the Secretary and the Council.

## **PART III — ADOPTION PROCEDURES**

### *Processing of applications*

Restriction on adoption arrangements.

**11.** (1) Pursuant to section 185 of the Act, no person shall commence any arrangements for the adoption of a child unless the Council has, in writing, declared the child free for adoption.

(2) Adoption arrangement shall be undertaken in accordance with the Act and the Fifth schedule to these Regulations.

Adoption placement by parent or guardian.

**12.** Where the parent or guardian offers to place a child with a registered adoption society for adoption, the adoption society shall –

- (a) furnish an explanatory memorandum to the parent or guardian in the form set out in the First Schedule and explain to the parent or guardian the details contained

Application for  
adoption.

therein;

- (b) ensure that the parent or guardian has been provided with a written description of the adoption services provided by the adoption society;
- (c) avail counselling services to the parent or guardian and the child if he or she, is above ten years of age.

**13.** (1) A person seeking to adopt a child shall make the application to an adoption society—

- (a) in the form set out in the Sixth Schedule;
- (b) accompanied by a police clearance certificate to be obtained not more than six months prior to the making of an application to the adoption society;
- (c) accompanied by the fee set out in the Second Schedule;
- (d) in the case of joint applicants, by applicants that have been married for a period of not less than three years prior to the date of commencement of adoption arrangements;
- (e) such other documents or information as the adoption society considers necessary to support the application.

(2) Upon receipt of an application under subregulation (1), the adoption society shall —

- (a) prepare a child case record in the manner set out in regulation 15;
- (b) refer the applicant for counselling by a person qualified to provide counselling services;
- (c) undertake a home assessment pursuant to regulation 16;
- (d) undertake a pre-placement counseling pursuant to regulation 17.

(3) Upon receipt of an application under this regulation, the adoption society shall consider the application and the results of the

assessments under subregulation (2) and may —

- (a) approve the application and process the placement of the child; or
- (b) reject the application and notify the applicant of decision, indicating the reasons thereof.

Child case record.

**14.** (1) An adoption society shall prepare and maintain a child case record, in respect of every adoption proceeding.

(2) A child case record shall contain—

- (a) a report on the child detailing—
  - (i) the background information of the child and their family;
  - (ii) an assessment of the parenting capacity of the child's parent or guardian;
  - (iii) a summarised report, by a qualified medical practitioner, on the state of the child's health, their health history, and any need for health care which might arise in the future;
  - (iv) the views and feelings of the child regarding the adoption, for children above ten years;
  - (v) an assessment of the child's physical, emotional and educational needs and, particularly, where the child has a disability, chronic illness or where the child is intersex, the ability of any person or institution to provide any special care or medical attention which may be required for the wellbeing of the child;
  - (vi) if ascertainable, an indication of the child's social, cultural and religious background;
  - (vii) a chronology of the decisions and actions taken by the adoption society with respect to the child;
  - (viii) analysis of the options for the future care of the

child, which have been considered by the adoption society, and why placement for adoption is considered the preferred option; and

- (ix) the views of the adoption society concerning the child's need for contact with their parent or guardian, or other relative, or any other person the adoption society considers relevant;
- (b) any consent to placement for adoption given in accordance with section 186 (8) of the Act or any withdrawal of a consent under sect 187 of the Act;
- (c) a copy of the child's certificate of birth or, where a child has none, a copy of the application therefor; and
- (d) any other documents or information obtained by the adoption society in respect of the adoption proceedings.

(2) Pursuant to section 211 (1) of the Act, the contents of the child's case record shall be confidential.

(3) Without prejudice to the generality of subregulation (2), an adoption society may provide such access to its child case records and disclose such information to—

- (a) the Council;
- (b) the Secretary for the purposes of the discharge of the Secretary's duties under the Act;
- (c) the Court;
- (d) any person appointed by the adoption society for the purposes of the consideration by the adoption society of any representations, including complaints.

(4) An adoption society may **transfer** a copy of a child's case record or part thereof to another adoption society if it considers this to be in the best interest of the child to whom the record relates, and a written record of any such transfer shall be kept.

(5) An adoption society may, with the approval of the Council,

transfer a child's case record to another adoption society where –

- (a) the adoption society by which the child case record was maintained ceases to exist;
- (b) the certificate of registration of the adoption society by which the child case record was maintained is cancelled or is otherwise not renewed;
- (c) the adoption society by which the child case record was maintained is not the society by which the child is placed for adoption; or
- (d) any other justifiable ground as the Council may determine.

Home assessment.

**15.** (1) During consideration of an application for adoption under regulation 14, the adoption society shall assess an applicant's home to determine the suitability for the care and custody of the child to be adopted.

(2) On completion of the home assessment under subregulation (1), the adoption society shall prepare a home assessment report containing the information specified in the Third Schedule.

Pre-placement  
counselling.

**16.** The adoption society shall not approve an adoption placement unless the applicant has received pre-placement counselling services from a qualified certified counsellor person on the adoption process and the parenting of an adopted child.

Cancellation of  
approval.

**17.** (1) An adoption society may, at any time before a child is placed for adoption, cancel an approval for an adoption where circumstances have arisen, or evidence has become available, indicating that the applicant is not a fit person to have the care and custody of a child.

(2) Within ten days of making a determination under subregulation (1), the adoption society shall, in writing, notify—

- (a) the applicant of the decision indicating the reasons thereof; and
- (b) the Council of the determination.

Adoption fees.

**18.** The fees chargeable by adoption societies for the processing of applications for adoption shall be as set out in the Second Schedule.

### ***Pre-placement procedure***

Pre-placement bonding.

**19.** Upon approval of application for adoption under this Part, the adoption society shall make necessary arrangement for the preplacement bonding of the prospective adoptive parent and the child.

(2) The pre-placement bonding period shall not exceed a period of three months from the date of placement of the child.

Social and medical inquiry.

**20.** (1) Prior to placing a child into the care and possession of a prospective adoptive parent, the adoption society shall undertake a social inquiry and a medical assessment of the child.

(2) Upon completion of the inquiry and assessment under subregulation (1), the adoption society shall obtain—

(a) a social worker's report on the matters specified in Form No CAR 7 set out in the First Schedule;

(b) a medical report on the health of the child and the adopter in Form CAR 8 set out in the First Schedule.

(3) The reports obtained under this regulation shall be retained by the adoption society until the child attains the age of majority, or for such further period as the adoption society considers appropriate.

Commencement of Court adoption proceedings.

**21.** (1) A prospective adoptive parent shall commence adoption proceedings in Court within three months after expiry of the pre-placement bonding under regulation 20 and in accordance with the rules made by the Chief Justice relating to adoption proceedings.

(2) Where the court proceedings are not commenced within the period specified under subregulation (1), the adoption process shall be deemed to be voidable and the child may be removed from the custody and care of the prospective adoptive parent.

### ***Placement***

Placement of a child for adoption.

**22.** (1) A child shall not be placed for adoption unless—

(a) the application for adoption has been approved by the case management committee in accordance with these Regulations;

(b) the applicant has read and acknowledged the explanatory memorandum for adopters set out in the Third Schedule.

(2) An adoption society shall not place a child for the purpose of adoption with an applicant if the applicant has received an adoption placement in the previous twelve months period, unless –

(a) the child who is proposed to be placed with the applicant is a sibling of the child previously placed with the applicant for the purpose of adoption; or

(b) the applicant's previous placement for adoption is no longer subsisting.

Post-placement assessment.

**23.** (1) Within twenty-one days after the placement of a child for adoption under regulation 21, the adoption society shall undertake a placement assessment in the home of the approved prospective adoptive parent.

(2) Upon conclusion of the assessment under subregulation (1), the adoption society shall prepare a post-placement report containing the information set out in the Third Schedule.

Report to the Council.

**24.** Where the adoption society approves an adoption placement, it shall submit the report containing its decision to the Council, within fourteen days from the date its decision is made.

Termination of placement for adoption.

**25.** (1) A prospective adoptive parent whose application has been approved under these Regulations may at any time before the making of an adoption order and by notice in writing to the adoption society, terminate the placement of a child.

(2) Upon receipt of the notice under subregulation (1)—

(a) notify the Council and the Secretary of the termination;

(b) notify the parent or guardian of the child, or the institution or the alternative care provider in which the child was accommodated prior to the placement and advice on the

right to resume custody of the child.

(3) Where adoption placement is terminated under this regulation, the adoption society shall refer the parent or guardian of the child, and the child (if the child is ten years of age or older) to an advocate for the completion of a consent to the making of an adoption order, pursuant to section 186 (8) of the Act, in favour of another applicant.

#### **PART IV – INTER-COUNTRY ADOPTIONS**

Interpretation of Part.

**26.** In this Part, unless the context otherwise requires—

“central authority” means the Council for purposes of the Hague Convention on Inter-Country Adoptions as provided under section 42(a) of the Act.....

“foreign adoption society” means a society other than a local adoption society, and which has been approved by the government of the receiving State;

“Hague Convention” means the Hague Convention on the Protection of Children and Co-operation in respect of Inter-country Adoption of 29<sup>th</sup> May 1993;

“inter-country adoption” has the meaning assigned to it under section 191 of The Act;

“local adoption society” means a society registered under section 208 of the Act; and

“receiving State” means the country where the adopted child will ordinarily reside and gain citizenship, and which is a signatory to the Hague Convention.

Restriction on inter-country adoption.

**27.** No inter-country adoption arrangements shall be commenced in Kenya except through the designated central authority.

Registration of local adoption society for inter-country adoption.

**28.** (1) A local adoption society may apply to the Secretary for registration to undertake inter-country adoptions.

(2) An application for registration under subregulation (1) shall be—

- (a) made in Form CAR 10 set out in the First Schedule;
- (b) accompanied by documents set out under regulation 5;
- (c) registered locally and undertaking local adoption for at least one year.

Application for inter-country adoption.

**29. An application for inter-country adoption shall be—**

- (a) made to the Council by a designated central authority of the receiving State;
- (b) accompanied by—
  - (i) the documents specified in the Sixth Schedule duly authenticated by the State Department or Ministry responsible for matters relating to foreign affairs in the receiving State;
  - (ii) a certificate of approval by the designated Central Authority of the receiving State; and
  - (iii) an undertaking by the foreign adoption society in Form No. CAR 7 set out in the First Schedule to carry out all activities pertaining to the proposed adoption.

(3) Upon receipt of an application under subregulation (2), the Council shall consider the application and may—

- (a) approve the application and within thirty days from the date of its decision notify the designated central authority of the receiving State and the relevant local adoption society of its decisions; or
- (b) reject the application and within seven days from the date of the decision notify the designated Central Authority of the receiving State of its decision indicating the reasons thereof.

(4) Where a particular application for approval under this Part is rejected, the designated central authority may submit another application

by the same prospective adopters within six months from the date of rejection of the previous application.

Approvals before  
adoptive placement.

**30.** Where an application for an inter-country adoption under regulation 28 is approved, the child shall not be placed with the prospective adoptive parent unless—

- (a) the application is approved in accordance with this regulation;
- (b) the central authority of the receiving State has approved the decision, where such approval is required by the law of that State;
- (c) the Council and the Central Authority of the receiving State have approved that the proposed adoption may proceed; and
- (d) subject to the making of an adoption order, the child will be authorised to enter and reside permanently in the receiving State.

Pre-placement  
bonding.

**31.** (1) Within three months of receipt of the approvals under regulation 28, the foreign adoption society shall, in consultation with the local adoption society, make arrangements for the prospective adoptive parent to travel to Kenya.

(2) Upon arrival of the prospective adoptive parent into Kenya, the local adoption society shall introduce the prospective adopters to the child for whom the approval to adopt has been granted.

Undertaking by  
prospective adoptive  
parent.

**32.** Where the prospective adoptive parents seek to proceed with the adoption process, require the adopters to sign the undertaking set out in the First Schedule before commencement of adoption proceedings.

Placement.

**33.** (1) The placement of a child for adoption and supervision by the local adoption society shall be undertaken in accordance with these Regulations.

(2) On completion of the placement period—

- (a) the local adoption society may assist the adopters in making an application, either in person or by their advocate, to the Court for an adoption order; and

(b) the approval of the Council to the adoption arrangements shall form part of the supporting documents to the application for an adoption order.

(3) Where the local adoption society determines that proposed adoption is not in the best interests of the child, it shall promptly notify the Council.

(4) Upon receipt of a notification under subregulation (3), the Council shall investigate the suitability of the prospective adoptive parents, including making inquiries with the designated central authority of the intended receiving state.

(5) Where, upon conclusion of investigations conducted under subregulation (4) the Council determines that the prospective adoptive parents are not suitable, the Council may cancel the adoption arrangements and notify the local adoption society and the Central Authority of the intended receiving State of its decision.

(6) Where a prospective adoption arrangement is cancelled under subregulation (5), the provisions of regulation 25 shall apply with necessary modifications.

Restriction of foreign adoption society.

**34.** (1) Where, in the course of an inter-country adoption, a foreign adoption society breaches any of the provisions of its undertaking set out in the Third Schedule, the Council may, at any time during the adoption proceedings, –

- (a) stop the ongoing adoption arrangements; and
- (b) bar the foreign adoption society from engaging in other adoption arrangements in Kenya for such period as the Council may specify.

(2) Where a foreign adoption society is barred from engaging in adoption arrangements in Kenya, it shall –

- (a) transfer all files relating to ongoing adoption arrangements in Kenya to another approved foreign adoption society; and
- (b) notify the local adoption society of such transfer within thirty days of such transfer.

(3) Where there is no other approved foreign adoption society to which adoption files of a foreign adoption society that has been barred from engaging in adoption proceedings in Kenya may be transferred, all ongoing adoption arrangements undertaking by the disapproved society shall lapse.

Adoption order.

**35.** (1) Where an adoption order is granted to a prospective foreign adoptive parent, the local adoption society—

- (a) shall, within seven days from the day on which the order is made, notify the foreign adoption society of the decision of the Court; and
- (b) may assist the adoptive parent to obtain the necessary travel documents for the child to facilitate their departure from Kenya.

Certificate of conformity to issue.

**36.** Upon grant of an adoption order, the Council shall issue a certificate of conformity to a successful prospective foreign adoptive parent in the Form No. CAR 10 set out in the First Schedule.

Obligations after grant of adoption order.

**37.** (1) The foreign adoption society shall submit to the local adoption society the following reports on the progress made by the adopted child in the receiving State —

- (a) at least once every three months during the first two years from the date of making of the adoption order; and
- (b) at least once every year until the third annual progress report has been given, or the child attains the age of majority, whichever comes earlier.

(2) Upon the grant of an adoption order, the local adoption society's file in respect of the case in which the order is made shall be closed and retained by the local adoption society on receipt of the third annual progress report from the foreign adoption society on the adopted child.

## **PART V — MISCELLANEOUS PROVISIONS**

Adopted children register.

**38.** The Adopted children register maintained in accordance with section 42(bb) of the Act shall contain the following information—

- (a) particulars of the children considered to be free for adoption, including –
  - (i) the names of the children;
  - (ii) the ages and gender of the children;
  - (iii) the cultural identity of the children;
  - (iv) the special needs, if any, of the children;
  - (v) the adoption society by which the adoption arrangements are made; an
- (b) the particulars of the prospective adoptive parent, including –
  - (i) the name and address of each approved applicant, and the date of approval;
  - (ii) in the case of inter-country adoptions, the name of a person or persons not resident in Kenya who is or are approved to adopt a child in Kenya, the date of the approval, and the country in which they are ordinarily resident;
  - (iii) whether the approval concerned was given after application to an adoption society, and the terms of the approval by the Council; and
  - (iv) the name and address of the adoption society to which the application for adoption placement was made and approved.

(4) The Council shall remove from the register referred to in subregulation (1) the name of any person contained in the register –

- (a) on the making of an adoption order or interim order in favour of that person;
- (b) on receipt by the Council of a notice in writing from that person requesting the removal of the person's name;
- (c) if, after reasonable inquiry, the person cannot be found;

- (d) if, because of the change in the circumstances of the person, he or she is no longer suitable to adopt a child;
- (e) on refusal by the adoption society to assess the person, or on revocation of approval of the person for adoption placement; or
- (f) in such other circumstances as the Council considers appropriate.

(5) Where a name removed at the request of the person concerned is the name of a person who applied jointly with another person for approval to apply for an adoption order, the name of that other person shall, at the same time, be removed from the register.

(6) Nothing in this regulation –

- (a) requires the adoption society to place a child for the purpose of adoption with an applicant whose name is not on the register; or
- (b) gives an applicant whose name is in the register any right or entitlement to the placement of a child for adoption.

Transitional  
Provisions.  
L. N. No. 43 of 2005.

**39.** (1) For purposes of this regulation “former Regulations” means the Children (Adoption) Regulations, 2005.

(2) Every adoption society registered under the former Regulations shall comply with the requirements of these Regulations relating to renew of registration.

(3) Any matter or proceedings being undertaken under the former Regulations, 2005 shall be determined and finalised in accordance with these Regulations.

Revocation of L. N.  
No. 43 of 2005.

**40.** The Children (Adoption) Regulations, 2005 are repealed.

## FIRST SCHEDULE

### FORMS

#### Form No. CAR 1

**Form CAR 1**

**(r. 4)**

#### **APPLICATION FOR REGISTRATION AS AN ADOPTION SOCIETY (LOCAL ADOPTIONS)**

I/We..... the undersigned being (a person) (persons) duly authorized on behalf of a society known as..... hereby apply to have the said society registered as an adoption society under section 208 (2) of the Act.

The following are particulars of the society-

1. Date of establishment.....
2. Full physical and postal address of the society's administrative centre.....
3. (a) For what objective(s) was the society established? .....
- (b) Does it exist only for the above objective(s)? .....
- (c) Does it apply the whole of its income in promoting the above objectives?

[A copy of the instrument governing the society's activities should be attached]

\*4. Full names, addresses and occupation or description of members of the management team/Board.

\*5. Full names, addresses, occupation or description and qualifications of members of the proposed case committee.

6. Has any person taking part in the management or control of the society or any member of the society been convicted of an offence under the Children Act, or of a breach of any regulations made thereunder? (If so, give particulars.)  
.....

\*7. Full names, addresses and qualifications of persons employed by the society, whether voluntary or paid, for the purpose of making any arrangement for the adoption of children.....

8. Copies of the society's latest annual report and audited statement of accounts should be attached.

I/We hereby declare that the above particulars are correct in every respect.

Name : ..... Signature: .....

Designation:.....

Address: .....

Date: .....

\*Attach separate list if necessary.

### **CHECK LIST**

**Name of Adoption Society**.....

**Date of previous registration:** .....

**Physical Address & location:** .....

<b>1.</b>	<b>Physical structures</b>		<b>Remarks</b>	
		<b>Waiting area</b>		
		<b>Counseling room</b>		
		<b>Boardroom</b>		
		<b>Washroom (Gender sensitive)</b>		
		<b>General suitability (Disability friendly)</b>		
<b>2.</b>	<b>Composition of board members</b>			
<b>3.</b>	<b>Case committee members/occupation/Qualifications</b>	<u><b>Names</b></u>	<u><b>Qualifications</b></u>	<u><b>Experiences</b></u>
		<b>1.</b>		
		<b>2.</b>		

		3.		
		4.		
		5.		
4.	<b>Staffing</b>			
5.	<b>Other children programs/clinics</b>			
6.	<b>Source of Funding</b>			
7.	<b>Cases dealt with:</b>			
		<b>No. of enquiries for adoption</b>		
		<b>No. of children declared free</b>		
		<b>No. placed for adoption</b>		
		<b>No. of sole applicants</b>		
		<b>No. of joint applicants</b>		
		<b>No. approved and placed with children</b>		
		<b>No. deferred</b>		
		<b>No. rejected</b>		
		<b>No. pending placement(reasons)</b>		
8.	<b>Do you offer after care services</b>			
9.	<b>During fostering period, do you experience</b>	a) Any return cases? b) Any requests for extension?		
10.	<b>Documentation and attachments</b>	a) Who are they applying as; i) Limited company by guarantee		

		<b>ii) (Requirement is a memorandum of association) Adoption society ( requirement is a constitution)</b>	
<b>11.</b>	<b>Challenges experienced</b>		
<b>12.</b>	<b>Recommendations from the adoption societies</b>		

**Form No. CAR 2**

**Form CAR 2**

**(r. 4(5))**

**CERTIFICATE OF REGISTRATION FOR AN ADOPTION SOCIETY  
(LOCAL ADOPTIONS)**

This is to certify that..... of P.O Box  
.....situated in (Locality, sub-county and County  
)..... has been granted registration.

As an adoption society under section 208 (5) of the Children Act, 2022 for the period  
..... to..... Issued on the .....  
day of.....20.... Registration number.....

.....  
Name and Signature  
Chairperson,  
National Council Children's Services

.....  
Name and Signature  
Chief Executive Officer,

Seal : .....

**Form No. CAR 3**

**Form CAR 3**

**(r. 4(7))**

**APPEAL AGAINST REJECTION OF APPLICATION FOR REGISTRATION AS  
AN ADOPTION SOCIETY**

I/We the undersigned, on behalf of a society called ....., wish to appeal against the decision of the Council rejecting our application for registration as an adoption society (attach copy of application) communicated to us by letter dated ..... (attached here) on the following grounds:

(Specify the grounds on which the appeal is made)

Name: .....

Signature: .....

Designation:.....

Address:.....

Date: .....

**Form No. CAR 4**

**Form No. CAR 4**

**(r. 6)**

**FORM OF RENEWAL FOR REGISTRATION OF AN ADOPTION SOCIETY  
(LOCAL ADOPTIONS)**

I/We .....the undersigned being (a person) (persons) duly authorized on behalf of a society called.....

..... hereby apply for renewal of registration of the society under the Children (Adoption) Regulations.

The following are particulars of the society/body

1. Date of registration .....Registration number.....

2. Full physical and postal address of the society's administrative centre  
.....

3. (a) For what objective(s) was the society established?.....

(b) Does it exist only for the above objective(s)?.....

(c) Does it apply the whole of its income in promoting the above objective(s)? .....

[A copy of the instrument governing the society's activities should be attached]

\*4. Full names, addresses and occupation or description of all members of the management team/Board.

\*5. Full names, addresses, occupation or description and qualifications of members of the Case Committee.....

\*6. Has any person taking part in the management or control of the society or any member of the society been convicted of an offence under the Children Act, or of a breach of any regulations made thereunder? (If so, give particulars.)  
.....

\*7. Full names, addresses and qualifications of all persons employed by the society, whether voluntary or paid, for the purpose of making any arrangement for the adoption of children.....

8. Cases dealt with by the society during the year ended+.....

(a) Number of applications from persons wishing to adopt a child.....

(b) Number of children offered to the society with a view to adoption.....

(c) Number of parent offer children referred for placement into charitable children's Institutions or in foster care arrangements by the society pending adoption.

(e) Number of children placed with a view to adoption.

(f) Number of adoption orders made in respect of children placed by the society.

(g) Number of deaths reported for children declared free for adoption.

9. Number of children placed with prospective adoptive parents by the society and awaiting adoption orders.

10. Number of children with special needs declared free for adoption and those adopted.

11. Copies of the society's latest annual report and audited statement of accounts should be attached.

I/We hereby declare that the above particulars are correct in every respect.

Name : ..... Signature: .....

Designation:.....

Address: .....

Date: .....

\*Attach separate list if necessary.

+ Insert date on which last financial year ended.

**Form No. CAR 5**

**Form No. CAR 5**

**r. 10**

**FORM OF ANNUAL REPORT**

Report to the Council,

From the adoption society called.....  
for the financial year ended \* .....

1. Full postal address of the society's administrative centre(locality, sub-county and county).

2. Has there been any change in the objects for which the society exists? Does it still

apply the whole of its income in promoting those objects?

+3. Names, addresses and occupation or description of all members of the management team/Board.

+4. Names, addresses, occupation or description and qualifications of members of the Case Committee.

5. Has any person taking part in the management or control of the society or any member of the society been convicted of an offence under the Children Act or any other law, or of a breach of any regulations made thereunder? (If so, give particulars.)

+6. Names, addresses and qualifications of all persons employed by the society whether voluntary or paid, for the purpose of making any arrangements for the adoption of children.

7. Cases handled by the society during the year under review \*.....

- (a) Number of applications from persons wishing to adopt a child (single, joint and special category including intersex persons).
- (b) Disaggregated data on preference for children to be adopted (age, girls, boys, intersex and special categories)
- (c) Number of children offered to the society with a view to adoption.
- (d) Number of children taken into hostels under the direct control of the society or in a charitable children's institution pending adoption.
- (e) Number of children placed by the society pending adoption in foster homes or hostels not under the direct control of the society.
- (f) Number of children placed pending adoption
- (g) Number of adoption orders made in respect of children placed by the society.

7. Cases dealt with by the society during the year ended+.....

(a) Number of applications from persons wishing to adopt a child.....

(b) Number of children declared free for adoption.

(c) Number of parent offer children referred for placement into charitable children's Institutions or in foster care arrangements by the society pending adoption.

(e) Number of children placed with prospective adoptive parents pending adoption.

(f) Number of adoption orders made in respect of children placed by the society.

(g) Number of deaths reported for children declared free for adoption.

I/We hereby declare that the above particulars are correct in every respect.

Signature: .....

Office held under the society: .....

Address: .....

Signature: .....

Office held under the society: .....

Address: .....

Date: .....

#### **Form No. CAR 6**

*Form No. CAR 6*

(r. ....)

#### **EXPLANATORY MEMORANDUM ON ADOPTION PLACEMENT BY PARENT OR GUARDIAN**

1. If the Court makes an adoption order, all your rights and duties with regard to the child will be transferred permanently to the adopters and, in law, the child will no longer be considered as your child.
2. In law, the Court cannot make an adoption order without the consent of each parent or guardian of the child, unless that parent or guardian has abandoned, persistently failed to maintain or persistently ill-treated or neglected the child, or is incapable of giving consent (for instance, by reason of being insane), or is unreasonably withholding consent or cannot be found (written evidence should be given by an authorized officer that parents can not be traced or are unreasonably withholding consent.) Therefore, unless one of these things applies to you, an order cannot be made without your consent.

3. The Court cannot make an adoption order without the consent of a child who has attained the age of 10 years.
4. Your consent shall be given in writing and signed in the presence of a witness, and cannot be given until the child is six weeks old.
5. You may either consent to adoption by specific applicants, or to adoption by any person whom the adoption society finds to be suitable for adoption placement. The applicant for adoption might be either a local resident or a person resident outside Kenya, and may include a married couple.
6. You may, if you wish, stipulate that your consent is given on condition that the child is brought up in a particular religious persuasion or cultural environment.
7. Where specific applicants have applied to adopt, either their names must appear on the form or, if they have stated that they do not want you to know who they are (as they are entitled to do), the form must refer to them by a number identifying them in the records of the adoption society or the Secretary of Children's Services, as the case may be.
8. Where the applicants are referred to by a number, you have no right to know who they are, but you are entitled to be given information as to what sort of people they are.
9. Once you give consent but change your mind and wish to get the child back, you shall apply to the court for leave to remove the child from the care of the would be adopters, but you shall not change your mind and withdraw your consent merely on the ground that you do not know the identity of the would be adopters.
10. You shall not change your mind and withdraw your consent once the court has made a final adoption order.
11. You shall not receive or pay any money for the adoption unless the court agrees. This does not apply to a weekly payment to an adoption society for the maintenance of your child before the child goes to the adopters. An official receipt should be issued to you for any payment made.
12. Where you have taken out an insurance policy for your child, the insurer will inform you whether after the adoption order is made, the policy may be transferred to the adopters should they wish to continue it.

*Form of Certificate of Acknowledgement*

To: (insert name and address of adoption society.)

I/WE HEREBY CERTIFY that I /We have received from you a memorandum headed "Adoption of Children-Explanatory Memorandum for Biological Parent/guardian", from which I/we have detached this certificate of acknowledgement; and I/we further certify that I/we have read the memorandum and understood it as explained to me/us.

Name..... ID No.....

Address.....

Telephone..... Email.....

Signature..... Date.....

In the presence of mother/guardian in the case of a minor parent:

Name..... ID No.....

Signature..... Date.....

#### **Form No. CAR 7**

**Form No. CAR 7**

(r. ....)

#### **REPORT OF SOCIAL INQUIRY**

Particulars of the child

Full Names: ..... Sex: .....

Date of Birth: ..... Place of birth: .....

Name of hospital.....

If other specify: .....

Nationality: ..... Race.....

Religion: ..... Level of education: Class: .....

Name of school: .....

Any rights or interest in property: Yes/No

If yes, give particulars.....

Any insurance effected in respect of the child: Yes/No

If yes give particulars.....

Particulars of the parents/guardian:

*MOTHER*

Name.....

Date of birth..... Place of birth.....

National ID/Passport No. ....

Marital status..... (Indicate if married to the child's father)

Nationality..... Race.....

Religion.....Address.....

Telephone.....Email.....

Level of education.....Occupation.....

County ..... Sub – County .....

Location..... Sub-Location.....

Village..... Nearest landmark.....

Next of kin.....

Relationship.....

Contact Information.....

Particulars of other children, (if any):

Full Names	Age	Sex	Occupation
1. ....	.....	.....	.....
2. ....	.....	.....	.....
3. ....	.....	.....	.....

Any history of hereditary or other diseases in the family? Yes/No.

If yes state: .....

Why is the child being offered for adoption?.....

Do you consent to the adoption? Yes/No.

If not, explain why.....

Signature..... Date.....

*FATHER*

Name.....

Date of Birth..... Place of birth.....

National ID/Passport No. .....

Marital Status.....(Indicate if married to the child's mother)

Do you consent to the adoption? Yes/No ..... If not, give reasons.....

Nationality.....Race.....

Religion.....Address .....

Telephone.....Email.....

Level of education..... Occupation.....

County.....Sub-county.....

Location..... Sub-location.....

Village..... Nearest landmark.....

Particulars of other children (if any)-

Full Names	Age	Sex	Occupation
1. ....	.....	.....	.....
2. ....	.....	.....	.....
3. ....	.....	.....	.....

Any history of hereditary or other disease in your family? Yes/No.... If yes state:

.....

Why is the child being offered for adoption? .....

.....

If you are married to the mother or if you have acquired parental responsibility under the provisions of section 31 (3) of the Children Act, do you consent to the adoption? .....

If you don't consent, give reasons.....

Father's Signature..... Date.....

#### *GUARDIAN*

Full Names..... Date of Birth.....

Place of Birth..... National ID /Passport No.....

Marital Status.....

Nationality..... Race.....

Religion..... Address.....

Telephone..... Email.....

Education level..... Occupation.....

County..... Sub-county.....

Location..... Sub-location.....

Village..... Nearest landmark.....

By whom were you appointed guardian?.....

How were you appointed guardian? .....

Do you consent to adoption? Yes/No.....

If you don't consent give reasons:.....

Why is the child being offered for adoption?.....

#### RELATIVES

Are there any relatives who have offered to provide a home for the child?

Yes/No..... If yes give details-

Full Names	Relationship	Contact information
1. .....	.....	.....
2. .....	.....	.....
3. .....	.....	.....

Have they been informed of the proposed adoption? Yes/No. .... If not, give reasons.....

#### OTHER PERSONS

Other persons liable to contribute to the support of the child-

Full Names	Relationship	Contact information
------------	--------------	---------------------

1. ....	.....
2. ....	.....
3. ....	.....

Do they agree to adoption? Yes/No..... If not, give reasons.....

.....

Guardian's signature..... Date.....

#### Form No. CAR 8

*Form No. CAR 8*

(r. ....)

#### MEDICAL REPORT

##### Part A - Medical Particulars of Child

(The medical report must be signed by a medical practitioner)

1.
  - (a) Full Names: .....
  - (b) Sex: .....
  - (c) Date of birth.
  - (d) Has the child suffered from neonatal jaundice?
  - (e) Weight at birth (state if premature).
  - (f) Present weight.
  - (g) Was the mother's confinement normal or instrumental?

2. State of nutrition (good, fair, poor).
3. (a) When did the child begin to walk?  
(b) When did the child begin to talk?
4. Has the child any infection of bones, muscles or joints?
5. Is there any evidences of paralysis?
6. What is the status of the child regarding diseases such as hepatitis B and tuberculosis?
7. Has the child had fits? If so, state nature.
8. Is there, or has there been, any infection of the skin?
9. Is there, or has there been any infection of the eyes? Is the sight normal?
10. Has the child had any discharge from the ears, or any serious ear trouble, and can it hear well?
11. Are the nose and throat in healthy condition?
12. Is there any evidence of disease of heart, lungs, kidneys or liver?
13. Has the child normal control of bowels and bladder for its age?
14. Has the child had measles, chicken pox, whooping cough, mumps or poliomyelitis?
15. Has the child received the following immunizations – B.C.G (against tuberculosis).....  
Pentavalent vaccination (against whooping cough, diphtheria and tetanus).....  
Tetanus toxoid.....  
Measles.....  
Other (state which).....
16. Is the child's mental and physical development normal for its age?
17. Are behaviour, speech and articulation normal for its age?
18. If the child has been neglected or improperly fed, do you consider its constitution such that good nursing and proper care would make it suitable for adoption?
19. Give particulars of the medication (if any) that the child has been prescribed and the

duration for which the child has been taking or will be taking the medication.

20. Give particulars of any condition not mentioned above about which you consider an adopter should be informed.

**Part B - Medical Particulars of Prospective Adopter**

(The medical report shall be signed by a medical practitioner)

1. (a) Name of prospective adopter;

(b) Date of birth;

(c) Sex;

(d) Address.

2. Is the prospective adopter able to have natural children of his/her own and if not, is the reason why he/she is unable to have such children known?

3. If any fertility tests have been made to the prospective adopter what were the results of such?

4. Has the prospective adopter suffered/suffering from any of the following? -

(a) tuberculosis;

(b) chronic bronchitis or recurrent chest illness;

(c) cardiovascular disease;

(d) any form of rheumatism;

(e) any form of neurosis or mental disorder;

(f) epilepsy;

(g) genito-urinary disease

(h) diabetes;

(i) any neurological disorder;

(j) leprosy;

(k) any illness which might shorten the expectation of life or cause recurrent disability.

5. Has the prospective adopter undergone any major surgical procedure?

6. Is there any relevant family history of mental or physical disease?

7. Is there any relevant abnormality in the following?

- (a) cardiovascular system (blood pressure should be stated);
- (b) respiratory system (if a chest x-ray is taken state date and result of such);
- (c) urogenital system (state quantity of albumin and sugar in urine);
- (d) abdomen and alimentary system;
- (e) central nervous system;
- (f) eyes and vision;
- (g) ears and hearing;
- (h) skin.

8. Is there normal use of limbs?

9. Does the prospective adopter appear mentally balanced and emotionally secure?

10. Are there any other facts, medical or otherwise, about the prospective adopter which should be known?

**Form No. CAR 9**

**Form No. CAR 9**

*(r. ....)*

**UNDERTAKING BY THE FOREIGN ADOPTION SOCIETY**

We..... (insert name of society) hereby undertake to -

- (a) carry out all activities pertaining to this adoption to its conclusion;
- (b) explain the requirements and legal implications of adoption of a child;
- (c) investigate the prospective adopters and prepare a Social Inquiry Report;
- (d) collect and collate all the requisite information for transmission to the local adoption society;

(e) prepare the prospective adopter by sharing all the materials that shall have been sent by the local adoption society on the process of adoption in Kenya together with the details of what is required of the adopters during their stay in Kenya;

(f) confirm that an adoption order made in Kenya shall be respected and recognized in the receiving State and that the adopted child shall gain resident status;

(g) conduct visits to the adopter's family, and to furnish the local adoption society with annual progress reports on the child for a period of three years from the date of arrival in the receiving State; and

(h) in the event of death or breakdown of the adopter's marriage, to ensure that the child enters into the care and possession of the named guardian or appointed fit person or authority.

Name of authorised officer.....

Designation.....

Signed.....

In the presence of: .....

NOTARY PUBLIC

**UNDERTAKING BY FOREIGN ADOPTIVE PROSPECTIVE PARENTS**  
(r. ....)

1. If the Kenyan court makes an adoption order, all the parental rights and duties of the biological parents in respect of the adopted child shall be transferred to us permanently.
2. We shall be required to treat the adopted child(ren) as if they were born to us in our marriage.
3. An adoption order is final and is binding during the lifetime of the child(ren) we shall adopt.

4. The adopted child(ren) shall have the right to inherit our property.

5. An adoption order cannot be recanted and we cannot thereafter give up the child(ren) owing to subsequent unforeseen behavioral or other changes in the child(ren).

6. The adoption society in our country (foreign adoption society) shall provide annual follow up reports on the progress of the child to the Council in Kenya (the Central Authority in Kenya) for a period of three years from the date of arrival in the receiving State.

7. In order to accomplish the task in (6) above, we shall allow the representatives of the foreign adoption society to access the child(ren) at our home at any reasonable time.

WE HEREBY CERTIFY that we have read and understood the above undertaking and affix our signatures hereunder.

1. Full names. ....

Address .....

Signature .....

Date .....

2. Full names. ....

Address. ....

Signature.....

Date.....

**Form No. CAR 10**

**Form CAR 10...**

**(r. ...)**

**CERTIFICATE OF CONFORMITY**  
**THE NATIONAL COUNCIL FOR CHILDREN SERVICES**

Certificate Number:

Date:

(Under Article 23 of the Hague Convention on Protection of Children and Co-operation in respect of inter-country Adoption, 1993)

1. The undersigned authority:

*(Name and address of the Council)*

.....

2. Hereby certifies that the child:

<p>Surname name: .....</p> <p>Other name(s): .....</p> <p>Sex: Male <input type="checkbox"/> Female <input type="checkbox"/></p> <p>Date of birth: day .... month .... year ....</p> <p>Place of birth: .....</p> <p>Habitual residence: .....</p> <p>3. Was adopted according to the decision of the following body .....</p> <p>Date of the decision: .....</p> <p>Date at which the decision became final: .....</p> <p>4. By the following person(s):</p> <p>(a) Surname name of the adoptive father:.....</p> <p>Other name(s): .....</p> <p>Date of birth: day .... month .... year ....</p> <p>Place of birth: .....</p> <p>Habitual residence at the time of the adoption: .....</p> <p>(b) Surname name of the adoptive mother:.....</p> <p>First name(s): .....</p> <p>Date of birth: day .... month .... year ....</p> <p>Place of birth: .....</p> <p>Habitual residence at the time of the adoption: .....</p> <p>5. The undersigned authority certifies that the adoption was made in accordance with the Convention and that the <sup>1</sup><sub>SE</sub>agreements under Article 17, sub-paragraph c, were given by:</p> <p>(a) Name and address of the Central Authority of the State of origin: .....</p> <p>Date of the agreement: .....</p> <p>(b) Name and address of the Central Authority of the receiving State: .....</p> <p>Date of the agreement: .....</p> <p>6. The adoption had the effect of terminating the pre-existing legal parent-child relationship.</p> <p>Done at ....., on .....</p> <p>Signature and Seal of Authorized Signatory</p>
---

**APPLICATION BY LOCAL ADOPTION SOCIETY FOR REGISTRATION TO  
UNDERTAKE FOREIGN ADOPTIONS**

To: The Secretary,

I/We the undersigned, being (a person) (persons) duly authorized on behalf of the adoption society named ..... hereby apply to have the said society licensed to undertake international adoptions.

The following are the particulars of the society -

1. Serial number and date of registration.
2. Number of adoptions processed annually.
3. Full Names, addresses and qualifications of persons who will arrange for international adoptions in the society.
4. Reasons for intending to engage in international adoption.

1. Name: .....

Signature: .....

Office held under the society:.....

Address:.....

2. Name: .....

Signature: .....

Office held under the society:.....

Address: .....

Date: .....

## SECOND SCHEDULE

### FEES

#### Part A: General Fees

No.	Item	Amount (Kshs.)
1.	Application for registration as an adoption society	
2.	Application for renewal of registration as an adoption society	
3.	To search the index of the Adopted Children Register	
4.	Certified copy of an entry in that register	

#### Part B: Fees chargeable by an adoption society

No.	Item	Amount (Kshs.)
1.	Application for adoption	

## THIRD SCHEDULE

### CONTENTS OF A HOME ASSESSMENT REPORT

To prepare the home assessment report, provide information under each heading below

#### ***Part 1: Applicants' Information***

Provide information about each applicant

First name, surname, other names

Address, postal code, county, sub-county, location, sub-location

City/town, road, street

Telephone, (residence, business, cellular), e-mail

Date of birth, (year, month and day), place of birth

Marital status

Race

Health, as supported by a medical report

Education

Religion

Languages spoken

Brief family history (include parenting style, familial relationships, significant childhood experiences, views of extended family on this application)

Involvement with the Directorate of Criminal Investigations and the Secretary (include criminal record checks, within the last 6 months for applicants and everyone aged 18 years or over living in the home)

Personality

#### ***Part 2: Family Dynamics***

Describe the following:

Family composition

Previous marriages or long-term relationships

Communication patterns

Autonomy of individual family members

Ability to solve problems and handle crisis

Emotional interactions

Family traditions

Philosophy on child rearing

Modes of behaviour control

Interests and hobbies

Social support network

What arrangements have been made for alternative guardians for the child (include names, ages, education, occupation and income. Complete for international adoption only.)

### ***Part 3: Home and Community***

Describe the following:

Physical space

Safe environment assessment (include safe storage of medications)

Availability of resources

Community involvement

Contact with professional agencies

### ***Part 4: Child Desired***

Is the home study for a specific child? If yes, describe relationship and involvement with child and family of birth

Age

Male / Female/ Intersex

Race

Sibling group

Acceptable background characteristics

Acceptable special needs

Acceptability of birth family contact

Acceptability of sibling contact

Acceptability of an abandoned child with no background information

Acceptability of a child who has lived in an institution

Acceptability of legal risk placements

Compatibility of applicants and child desired

Does the assessor completing the home study agree with applicants' choices?

### ***Part 5: Income***

Describe the following:

The source and level of income and expenditures

The effect of a placement on family's finances

### ***Part 6: Understanding and Motivation for Adoption***

Describe the following:

Applicants' understanding of the legal, social, inter-racial and emotional aspects of adoption

Applicants' plans to promote child's cultural/racial/religious heritage and identity

Knowledge of the selected country (for international adoption only)

Applicants' motivation for selecting the country (for international adoption only)

### ***Part 7: References***

References (3 references for each applicant, regarding suitability - including relationship to applicant, if any, on what basis judgment is made about applicant's potential/actual parenting ability and summary of results of interview(s))

***Part 8: Overview of Home Study Process***

Date of personal visits (include amount of time spent at each interview and location of interview)

Persons interviewed (include confirmation that each person living in the home was interviewed separately and as a family)

Applicants' training and activities in support of their application

***Part 9: Summary of Outcome of Home Study***

Report prepared by Position

Date report prepared

Report reviewed by Position

Date report reviewed

***Part 10: Placement Supports***

Needed support and services

Arrangements for the provision of the identified support/services

***Part 11: Recommendation/Approval of Assessor***

Assessor Recommendation Approved

Not Approved (provide brief summary)

Opinion of the child in respect of the application (if applicable)

Opinion of the child's birth parents in respect of the application (if applicable)

This home study report is not valid until it is approved, under seal by the Council (for international adoptions)

**EXPLANATORY MEMORANDUM FOR ADOPTERS AND  
ACKNOWLEDGEMENT**

(r. ..)

***Part A: Explanatory memorandum for adopters***

1. Once the court makes an adoption order in, your favour, you shall acquire all rights, duties, obligations and liabilities of a parent over the child, permanently, as if the child were a child born to you.

2. All such rights, duties, obligations and liabilities of the natural parent shall be

extinguished permanently.

3. The adoption order is absolute and is irreversible.
4. For purposes of the jurisdiction of any court to make orders as to the legal custody, maintenance of, and the right of contact with the child, both you and your spouse shall stand to each other and to the child in the same relation as the lawful father and mother of the child, and the child shall stand to you in the same relation as to a lawful mother and father respectively.
5. An adopted child has all the inheritance rights.
6. For purposes of any written law relating to marriage for the time being in Kenya, you, your children (if any) and the adopted child shall be deemed to be within the prohibited degree of consanguinity and therefore cannot enter into a marriage relationship.
7. Often the child may have been through traumatic experiences and will need you to provide a caring and secure family environment.
8. The child has a right to know that he is adopted, and has a right to know about his origin as soon as the child is able to understand.
9. You may also be asked to provide other forms such as medical forms, marriage and divorce certificate, citizenship certificate, police record authorization and previous assessment for placement of children, birth certificate and other information. You shall be required to furnish the adoption society with a full size photograph taken three months prior to the making of the application. For joint applicants, a photograph of the couple shall be required.
10. An application to the adoption society does not guarantee placement.
11. The child placed with you pending adoption order may be withdrawn from you.
12. Periodic home visits and supervision will be carried out by a representative of the adoption society while the child is placed with you pending an adoption order. In the case of an inter-country adoption, periodic home visits shall be carried out up to three years after the child has been adopted. You shall inform the adoption society in case of change of address, serious illness, or death of the child within 24 hours of the occurrence of the event.
13. You shall inform the adoption society in the event of death of a spouse, or change of marital status in case of a joint application.

14. In the case of a joint application, the applicant's must be married and such marriage must have subsisted for at least three years preceding the date of application.

***Part B: Acknowledgement of explanatory memorandum by adopter***

To: - (insert name and address of adoption society.)

I/We HEREBY CERTIFY that I/we have received from you a memorandum headed "Explanatory Memorandum for Adopters" from which I/we have detached this certificate of acknowledgement; and I/we further certify that I/we have read the memorandum and understood it.

Signature..... Date.....

Address.....

Telephone..... Email.....

**POST-PLACEMENT ASSESSMENT REPORT**

(r. ...)

Name of Applicant .....

Name of Child .....

Age of Child .....

I, (name), (position) a qualified person under the Children Act, 2022 have assessed the adjustment of the applicant(s) and the child to the placement of the child in the home of the applicant(s) and report as follows:

2. Describe the child's physical, mental and emotional level of development.
3. Describe the child's contact with any health professionals and the child's immunization program.
4. Describe the adjustment and bonding between the child, the applicant(s) and other family members.
5. Describe the home environment (including other people in the home, parenting abilities, quality of spousal relationship or adult interdependent relationship).
6. Describe any efforts that have been made to retain the child's cultural identity.
7. Describe the applicant's understanding of being an adoptive parent.

8. Provide comments by references regarding the adjustment of the child and the family to the adoption.
9. Do you believe the completion of this adoption is in the child's best interests?

(completed by) (position)

(reviewed by) (position)

DRAFT

## FOURTH SCHEDULE

### ACCOMPANYING DOCUMENTS TO AN APPLICATION FOR AN INTER-COUNTRY ADOPTION

(r....)

An application for adoption by a foreign adoption society shall be accompanied by the following information on prospective adopters and certified copies of their documents-

1. Passports.
2. Full size colour photographs.
3. Full size colour photographs of his/their children (if any).
4. Religion.
5. Occupation(s).
6. Birth certificates.
7. Birth certificates of their children (if any).
8. Marriage certificate (if any).
10. Medical certificates (including information on the fertility of adopter(s).)
11. Social enquiry report from an official agency detailing preferences of the child to be adopted.
12. Two (2) references from responsible persons preferably the local religious leader, Commissioner for Oaths, Notary Public or relevant State Department.
13. Affidavit from a reliable person(s) to take charge of the child in case of accident or death of the adoptive parents.
14. A report on financial means supported by official documents.
15. A report on fixed assets.
16. Record of convictions (if any).

17. Police Clearance Certificate or equivalent certificate of good conduct
18. Consent from competent court or government authority permitting adopters to adopt a foreign child.
19. Undertaking by a foreign adopter in the manner prescribed in the Seventh Schedule.
20. Undertaking by foreign adoption society in the manner prescribed in the Eighth Schedule

Made on the ..... , 2024.

**FLORENCE BORE,**

*Cabinet Secretary for Labour and Social Protection.*