



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

**THE CHILDREN ACT  
(CAP 141 LAWS OF KENYA)**

**THE CHILDREN (CARE AND PROTECTION) REGULATIONS, 2024**

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**SCHEDULE**



LEGAL NOTICE NO. ....

**THE CHILDREN ACT**  
**(Cap 141 Laws of Kenya)**

**IN EXERCISE** of the powers conferred by section 247 of the Children Act Cap 141 Laws of Kenya, the Cabinet Secretary for Labour and Social Protection, on the recommendation of the National Council for Children Services, makes the following Regulations —

**THE CHILDREN (CARE AND PROTECTION) REGULATIONS, 2024**

Citation and  
commencement.

1. (1) These Regulations may be cited as the Children (Care and Protection) Regulations, 2024.

(2) These Regulations shall come into force on such date as the Cabinet Secretary may, by notice in the *Gazette*, appoint

Interpretation.

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

“Act” means the Children Act, 2022;

“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;

“care order” has the meaning assigned to it under section 153 of the Act;

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

“child in need of care and protection” has the meaning assigned to it under section 142 of the Act

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

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

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

“rescue centre” means a centre established in accordance with section 63 of the Act;

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

Guiding principles

**3.** 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 participatory and inclusive provision of care and protection to a child;
- (c) the placement of a child in need of care and protection shall be appropriate to the child’s needs, development and evolving capacities;
- (d) safeguarding a child in need of care and protection from abuse, violence, exploitation and any other harmful conduct.

Limitation on use of institutions as places of safety

**4.** Where a child is in need of care and protection, the use of institutional care —

- (a) shall at a first instance be limited to taking or placing the child in a place of safety;
- (b) where the child is below the age of three years shall, so far as is reasonably practicable, be placed in family-based care;
- (c) shall be limited and only as a matter of last resort to any other place other than a place of safety.

Procedure where child takes refuge at a place of safety.

**5. (1)** Where a child is deemed to be a child in need of care and protection, that child shall be presented or present themselves to a place of safety.

(2) The person receiving the child under sub-regulation (1) shall immediately inquire and record —

- (a) the following details about the person presenting the child—

- (i) their name and contact details;
  - (ii) the bio-data of the person;
  - (iii) the contacts of the person including their telephone contacts and email address;
  - (iv) the persons description of the circumstances of the case;
  - (v) any other relevant information;
- (b) the name and gender of the child;
  - (c) the age of the child, whether apparent or known;
  - (d) the name of the child's parent, guardian, relative, family friend or other person connected with the child and, if known to the child or the person presenting the child, their telephone contact, or where any of them could be found;
  - (e) the physical address of the place where the child resides or the nearest landmark, if known;
  - (f) the reason why the child is not at home or in the company of a relative, parent, guardian, friend or other person connected with the child; and
- (3) The person receiving the child under sub-regulation (1) shall—
- (a) provide age-appropriate assistance to the child and where the child is a child with disability, the assistance shall meet their personal needs, taking into account the condition and nature of the disability;
  - (b) within twenty-four hours of receipt of the child, present the child to an authorized officer or the nearest child protection unit accompanied by a copy of the record containing information obtained under sub-regulation (2).

Verification by  
authorized officer  
or the child  
protection unit.

**6. (1)** On receipt of a child under regulation 5(3), the authorised officer or child protection unit, as the case may be, shall within twenty-four hours of receiving the child, notify the Secretary and forthwith prepare a report on the child.

(2) The report under sub-regulation (1) shall contain the following

information about the child—

- (a) the name, address and telephone contact of the person who presented the child;
- (b) the circumstances under which the person came to be in custody of the child;
- (c) the name and gender of the child;
- (d) age of the child and where not known, the apparent age of the child;
- (e) the name of the child's parent, guardian, relative, family friend or other person connected with the child and, if known to the child or the person presenting the child, their telephone contact, or where any of them could be found;
- (f) the physical address or a description of the place where the child resides or the nearest landmark, if known ascertainable; and
- (g) any other information which the authorised officer considers necessary for identification and reunification of the child with the child's parent or guardian.

(2) The notification to the secretary under sub-regulation (1) shall be in Form No. CCP1 set out in the Schedule accompanied by the report prepared under sub-regulation (2).

Action by the  
Secretary.

7. (1) Upon receipt of the notification under regulation 6, the Secretary may take charge of the child for a period not exceeding twenty-four hours and shall —

- (a) investigate the circumstances under which the child was considered to be in need of care and protection;
- (b) make reasonable efforts to trace and notify the child's parent or guardian of the location of the child; and
- (c) take appropriate steps to ensure proper care and protection of the child.

(2) Upon establishing the circumstances of child under sub-regulation (1), the Secretary may—

- (a) make arrangements for the child be returned to the parent or guardian (if known), if it is in the best interest of the child;
- (b) place the child in a children rescue centre or any other **placement** when the parent or guardian of the child has not been traced.
- (c) place the child in a charitable children's institution in accordance with section 71 of the Act.

Placement of a child in a rescue centre.

**8. (1)** Where a child is placed in a rescue centre under regulation 7, the placement shall be for a period not exceeding six months pending arrangements for alternative care or other intervention under the Act.

(2) Within thirty days of placement of a child in a rescue centre under this regulation, the Secretary shall —

- (a) cause a preliminary assessment of the child to be undertaken;
- (b) determine immediate objectives of the placement having regard to the developmental, emotional, social, medical, spiritual, cultural and educational needs of the child.

(3) The assessment under sub-regulation (1)(a) evaluate and indicate—

- (a) the immediate needs of the child;
- (b) where determinable in the circumstances, whether the child is likely to be returned home;
- (c) the child's legal status, including whether the child has been abandoned or is otherwise in need of care and protection within the meaning of section 144 of the Act;
- (d) any other information that, in the opinion of the Secretary, is necessary to facilitate reasonable care and protection.

Care orders.

**9. (1)** Where all efforts to trace the parent or guardian of a child have failed, an application for a care order or an interim care order shall be made by—

- (a) the Secretary in accordance with section 153 of the Act; or

- (b) the charitable children's institution in accordance with section 71(2) of the Act.

(2) The application for a care or an interim care order shall be made in accordance with the procedure of the Court

Persons to be entrusted with a child under care order.

**10.** Without prejudice to section 153 of the Act, a child under this regulation shall be entrusted to a person or institution that is suitably equipped to cater for the needs of the child which may include—

- (a) a fit person;
- (b) a foster parent registered in accordance with the Act;
- (c) an institution appointed by the Court, including a charitable children's institution.

## SCHEDULE

Form No CCP 1

### NOTIFICATION ON CARE AND PROTECTION TO THE SECRETARY

**TO: The Secretary**

#### *Particulars of the Child*

Name of child.....

Age (if know) ..... Sex (M/F/I) .....

Disability Status (Y/N) .....If Y (Specify if known) .....

#### *Particulars of Parent or Guardian*

Name of Parent/Guardian or other person connected with the child (if known) .....

Telephone contact..... Physical Address (if know) .....

City/Town..... County ..... Sub – County .....

Division..... Location ..... Sub-  
location.....Village.....

#### *Particulars of the person by whom the child was presented*

Name ..... Telephone Contact.....

Date presented ..... Time presented .....

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Name of Child Protection Unit/ Police Station.....

Occurrence Book Number/ Reference Number.....

Reasons why the child is in need of care and protection

☐ Abandoned ☐ Lost and found ☐ Found begging ☐ Truant ☐ Other (explain)

County ..... Sub – County .....

Location ..... Village.....

Name of Authorised Officer.....

Signature .....

Date ..... Time .....

Made on the ....., 2025.

**Hon (Dr) Alfred N Mutua, E.G.H**

*Cabinet Secretary for Labour and Social Protection.*