



**REPUBLIC OF KENYA**

**MINISTRY OF LABOUR AND SOCIAL PROTECTION**

**REGULATORY IMPACT STATEMENT**

**ON**

**THE CHILDREN (ADOPTION) REGULATIONS**

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## **ABBREVIATIONS**

<b>Act</b>	Children Act (Cap 141) Laws of Kenya
<b>ACRWC</b>	The African Charter on the Rights and Welfare of the Child
<b>Council</b>	National Council for Children's Services
<b>RIS</b>	Regulatory Impact Statement
<b>UNCRC</b>	United Nations Convention on the Rights and Welfare of the Child

## **A. INTRODUCTION**

### **Regulatory Making Authority and the legal mandate**

The National Council for Children Services is a State Corporation established under the Children Act (Cap 141) Laws of Kenya, and performs its mandate within the State Department for Social Protection & Senior Citizen Affairs in the Ministry of Labour and Social Protection. Its mandate can be summarised as oversight, regulation, coordination, and advisory on all matters relating to children's affairs in Kenya.

Child adoption in Kenya is regulated by the Children Act, which aligns with international conventions to prioritize the child's best interests. Adoption provides a pathway for vulnerable children to find permanent, loving homes, with strict regulations in place to prevent child trafficking, exploitation, and other abuses.

The Regulatory Making Authority is the Ministry of Labour and Social Protection in which the Cabinet Secretary responsible for matters relating to children's affairs has the power to make regulations on matters adoption. Section 215 of the Children Act provides that the Cabinet Secretary shall make regulations for the purposes of regulating and maintaining supervision over the activities of adoption societies and persons or associations purporting to assist in making arrangements for the adoption of children; regulating and maintaining supervision over the activities of persons or associations purporting to assist in making arrangements for *kafaalah* and the manner in which such arrangements shall be conducted; regulating the making of international adoptions and prescribing safeguards therefor; prescribing the manner in which arrangements for adoption shall be conducted.

In consideration of the above, the Cabinet Secretary relying on proposals submitted by the National Council for Children's Services has prepared the Children (Adoption) Regulations. These proposed Regulations are likely to impose costs to adoption societies, agencies and persons who play a key role in matters relating to the adoption of children in Kenya.

## **B. BACKGROUND AND CONTEXT OF THE PROPOSED REGULATIONS**

### **Background of children sector**

Adoption in Kenya serves as a mechanism necessary to provide permanent family care for children who have been orphaned, abandoned, or rendered vulnerable due to social and economic hardships. The adoption process is regulated under the Children Act (Cap 141) which aligns with international standards such as The Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. The government oversees adoption through institutions such as the National Council for Children's Services which ensure compliance with legal and ethical standards.

Historically, adoption in Kenya has been characterized by a mix of formal and informal practices. While legal adoption is a structured process involving the courts and accredited adoption societies, informal adoption—where children are raised by relatives without formal legal recognition—remains common in many communities. This is influenced by cultural attitudes that emphasize extended family responsibility for orphaned or abandoned children. This practice is known as *kinship adoption* which is encouraged and is intended to be structured through the proposed Children (Adoption) Regulations.

In 2014, the Kenyan government placed a moratorium on intercountry adoptions due to concerns over child trafficking and weak regulatory oversight. This move significantly impacted the adoption landscape, limiting foreign nationals' ability to adopt Kenyan children while pushing for stronger domestic adoption mechanisms. The Children Act and these proposed Regulations introduced reforms aimed at tightening regulations, ensuring transparency, and prioritizing local adoptions over international placements.

### **International context**

#### **i. United Nations on the Convention of the Rights and Welfare of the Child**

Kenya ratified the United Nations Convention on the Rights and Welfare of the Child in 1990 in order to align with the global standards for safeguarding the rights and welfare of children. The UNCRC appreciates the significance of family in the growth and development of a child and

provides for alternative care of children who have been separated or are at risk of separation from their birth families. It also highlights the various forms of alternative family care, including adoption as a key form of alternative family care.

Article 21 of the UNCRC outlines standards for international and national adoption, and emphasizes on the best interest of a child as a key consideration in any adoption matter. Further, the UNCRC stipulates that children should only be adopted if their birth families are unable to provide adequate care. This article also emphasizes on the necessity of proper authorization and monitoring of adoption agencies to prevent the abduction, sale, or trafficking of children.

**ii. The Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption.**

This Convention came into force on the 29<sup>th</sup> May 1993, to safeguard intercountry adoptions. It establishes international standards of practices for intercountry adoptions and its main aim is to protect children and their families against the risks of illegal, irregular, premature or ill-prepared adoptions abroad.

Kenya ratified The Hague Convention in 2007 and in compliance, has designated the National Council for Children's Services as the Central Authority responsible for intercountry adoptions.

**Regional context**

Kenya ratified the African Charter on the Rights and Welfare of the Child in the year 2000 and has, over time, made considerable steps towards compliance. The Charter underscores the importance of a loving and nurturing environment provided by family in facilitating the wholesome growth and development of an African child. It acknowledges that children, for one reason or another, maybe separated from their birth families and while discouraging the institutional care of such children, makes provision for alternative family care of children without parental care. The Charter underscores the best interest of the child as of paramount importance in any matter concerning a child.

**Domestic context**

**i. The Constitution of Kenya, 2010**

Article 53 of the Constitution sets out the rights of children in Kenya and states that the best interest of the child is of paramount importance in all matters concerning them. It bestows parental responsibility upon the father and mother of a child in the first instance, in recognition of the family as the natural and fundamental unit of society. Article 43 of the Constitution guarantees the right to social security and further states that persons unable to support themselves and their dependents are entitled to social security.

### **ii. The Children Act (Cap 141)**

The Children Act makes provisions for safeguarding children in Kenya. The Act echoes the Constitution in emphasizing on the importance of raising children within families and defines alternative family care, including adoption, as a form of social security for children.

Part XIV of the Act elaborately provides for both local and inter-country adoption and defines the eligibility criteria for both prospective adoptive children and parents, the institutional framework for adoption and the processes involved.

## **C. REQUIREMENT FOR REGULATORY IMPACT STATEMENT**

### **Requirements of the Statutory Instruments Act**

The Statutory Instruments Act (Cap 2A) is the legal framework governing the conduct of Regulatory Impact Statement in Kenya. Sections 6 and 7 require that *if a proposed statutory instrument is likely to impose significant costs on the community or a part of the community, the regulation-making authority shall, prior to making the statutory instrument, prepare a regulatory impact statement about the instrument.*

The Statutory Instruments Act further sets out certain key elements that must be contained in the Regulatory Impact Statement namely:

- (a) a statement of the objectives of the proposed legislation and the reasons;
- (b) a statement explaining the effect of the proposed legislation;
- (c) a statement of other practicable means of achieving those objectives, including other regulatory as well as non-regulatory options;
- (d) an assessment of the costs and benefits of the proposed statutory rule and of any other practicable means of achieving the same objectives; and
- (e) the reasons why the other means are not appropriate.

Section 5 of the Statutory Instruments Act, requires that a regulation-making authority to conduct public consultations drawing on the knowledge of persons having expertise in fields relevant to the proposed statutory instrument and ensuring that persons likely to be affected by the proposed statutory instrument are given an adequate opportunity to comment on its proposed content.

### **What is a Regulatory Impact Statement?**

Regulatory Impact Statement is a systematic policy tool used to examine and measure the likely benefits, costs, and effects of new or existing regulations. A RIS is an analytical report to assist decision makers to arrive at an informed policy decision. As an aid to decision making, RIS includes an evaluation of possible alternative regulatory and non-regulatory approaches with the overall aim of ensuring that the final selected regulatory approach provides the greatest net public benefit. Typically, the structure of a RIS should contain the following elements:

- (a) title of the proposal;
- (b) the objective and intended effect of the regulatory policy;
- (c) an evaluation of the policy issue;
- (d) consideration of alternative options;
- (e) assessment of all their impacts distribution;
- (f) results of public consultation;
- (g) compliance strategies, and
- (h) processes for monitoring and evaluation.

The regulatory impact assessment is usually conducted before a proposed statutory instrument is passed, to provide a detailed and systematic appraisal of the potential impact of the new regulations and to assess whether the regulations are likely to achieve the desired objectives. The Regulatory Impact Statements promotes evidence-based policymaking as new regulations typically lead to numerous impacts that are often difficult to foresee.

From a societal viewpoint, the Regulatory Impact Statement should confirm whether a proposed regulation is welfare-enhancing, in that, the benefits will surpass costs. It therefore has objectives of improving understanding of the real-world impact of regulatory action, including both the benefits and the costs of action, integrating multiple policy objectives, improving transparency and consultation and enhancing governmental accountability.

## **D. REGULATIONS UNDER THE ACT**

Section 215 of the Children Act delegates regulation making powers to the Cabinet Secretary for the better carrying into effect the provisions of this Part XIV on adoption.

Therefore, an impact assessment of the proposed Regulations has been made in addition to carrying out extensive consultations with stakeholders.

## **E. PURPOSE OBJECTS AND OVERVIEW**

### **General objective**

The objective of these proposed Children (Adoption) Regulations, is to provide a framework for the registration, licensing and accreditation of adoption societies, agencies, persons and associations. Further, the proposed Regulations will guide on the procedure for undertaking local adoption, kinship adoption, foreign adoption and inter-country adoptions as provided for under the Act.

### **Specific objective**

Specifically, the implementation of the Regulations is intended to provide for:

- (a) the procedure for undertaking local adoption;
- (b) kinship adoption, foreign adoption and inter-country adoptions as provided for under the Act;
- (c) preparation and maintenance of child case records;
- (d) home assessment of a prospective adoptive parent pre and post adoption;
- (e) pre-placement counselling of a child prior to adoption;
- (f) cancellation of approval where an adoption society finds that an applicant is not a fit person to have the care and custody of a child;
- (g) pre-placement bonding prior to adoption;
- (h) social and medical inquiry of a child prior to adoption;
- (i) commencement of court adoption proceedings;
- (j) undertaking by prospective adoptive parent;
- (k) the placement of a child;
- (l) the restriction of foreign adoption society;
- (m) a certificate of conformity issued to a prospective foreign adoptive parent; and

(n) obligations after grant of adoption order.

## **F. PUBLIC PARTICIPATION AND CONSULTATION**

Article 10 of the Constitution provides that public participation is a principle of national governance. This constitutional power entitles the people of Kenya to unfettered access to the process of making public decisions through their involvement.

Section 6 of the Statutory Instruments Act (Cap 2A) provides that the regulation making authority shall undertake consultations before making the statutory instrument particularly where the proposed instrument is likely to have a direct, or a substantial indirect effect on a community or part of the community.

As part of the efforts to ensure an inclusive development of the proposed Adoption Regulations, a Technical Working Group was constituted with membership drawn from the Council and key stakeholders with varied expertise. The Council engaged in extensive consultations with various stakeholders and the public. This participatory approach enabled the Technical Working Group to gather diverse perspectives and insights for a comprehensive and effective policy framework.

### **Engagement with key stakeholders**

Pursuant to section 5 of the Statutory Instruments Act (Cap 2A), the Ministry identified key stakeholders and persons likely to be affected by the proposed Regulations for their inputs and views. Targeted consultations were conducted with key stakeholders who play a crucial role in the adoption process. These were the Adoption Societies. Their input was important in understanding the operational challenges, best practices, and areas requiring interventions within adoption services.

### **Selection of Clustered Regions and Rationale**

To ensure a balanced and representative consultation process, strategic selection of specific regions based on key factors was done, including:

1. Clustering regional boundaries to ensure comprehensive coverage of all counties in Kenya, while optimizing available resources and addressing financial constraints effectively. This strategic approach enhanced accessibility, promoted equitable service delivery, and maximized impact within the allocated budget.
2. Accessibility and Stakeholder – Locations that could accommodate both in-person and online participation were considered to maximize engagement.

The clustered regions ensured a broad and inclusive consultation process, reflecting diverse views from different parts of the country. Below is the schedule that was put up in the different websites and newspapers.

REGION (CLUSTERED COUNTIES)	VENUE	DATE	TIME
<b>Cluster 1</b> – (Uasin – Gishu, west- Pokot, Turkana, Trans – Nzoia, elgeyo-Marakwet, Nandi, Bungoma	<b>Eldoret</b> - <i>Home Craft Centre</i>	29 <sup>th</sup> – 30 <sup>th</sup> May, 2024	9am – 4pm
<b>Cluster 2</b> – Isiolo, Marsabit, Samburu, Meru, Tharaka – Nithi & Embu	<b>Meru</b> – <i>Kamunde Hall</i>	29 <sup>th</sup> – 30 <sup>th</sup> May, 2024	9am – 4pm
<b>Cluster 3</b> – Migori, Kisumu, Homabay, Vihiga, Busia, Siaya, Nyamira, Kisii & Kakamega	<b>Kisumu</b> - <i>Mama Grace County Hall</i>	29 <sup>th</sup> – 30 <sup>th</sup> May, 2024	9am – 4pm
<b>Cluster 4</b> – Narok, Bomet, Nyandarua, Nyeri, Nakuru, Baringo, Laikipia, Kericho & Nairobi	<b>Nakuru</b> - <i>Shaabab Social Hall</i>	29 <sup>th</sup> – 30 <sup>th</sup> May, 2024	9am – 4pm
<b>Cluster 5</b> – Taita –Taveta, Kwale, Kilifi, Lamu, Tana- River, Kitui, Makueni, & Mombasa	<b>Mombasa</b> – <i>Tononoka Social Hall</i>	29 <sup>th</sup> – 30 <sup>th</sup> May, 2024	9am – 4pm

<b>Cluster 6</b> – Kiambu, Muranga, Kirinyaga, Machakos, Kajiado, Garissa, Wajir & Mandera	<b>Murang'a</b> - <i>ACK Mother's Union</i>	29 <sup>th</sup> – 30 <sup>th</sup> May, 2024	9am – 4pm
<b>Cluster 7:</b> Other Stakeholders, CSOs, ACIK, Adoption Societies	<b>Nairobi</b> – <i>Kariokor Social Hall</i>	29 <sup>th</sup> – 30 <sup>th</sup> May, 2024	9am – 4pm

### Collection of Public Memoranda

The advertisement for public participation was published on *My Gov.* newspaper, the Ministry of Labour and Social Protection website and the National Council for Children's Service website, running for 14 days from 14<sup>th</sup> May 2024 to 27<sup>th</sup> May 2024. The Notice was additionally circulated on various social media platforms.

To facilitate public participation effectively, written submissions were invited from individuals, institutions, and organizations. Members of the public were encouraged to share their views, feedback, and recommendations through the email address provided. This approach allowed stakeholders to provide detailed input at their convenience, ensuring that as many voices as possible were heard in the Regulations review process.

### Modes of Public Engagement

The consultation process utilized both online platforms and physical public forums to ensure accessibility for all stakeholders.

- Online Engagement** – Virtual meetings and email submissions allowed participants from different locations to contribute their views without geographical limitations. This method facilitated broader participation, especially for those unable to attend physical meetings.
- Public Forums** – Physical meetings were held in select regions to engage directly with community members, local leaders, and adoption stakeholders. These forums provided an

opportunity for in-depth discussions, clarifications, and firsthand accounts of adoption experiences.

The employment of this hybrid approach ensured that participation was inclusive, accommodating both digital and in-person engagements.

## **G. APPROACHES AND METHODOLOGIES**

### **IMPACT STATEMENT**

The assessment considered the likely impact of the Regulations on general positive externalities, impact on the fundamental rights of the people, the impact on the economy and the public and private sector, economic impact on individuals and environmental considerations.

The summary of the key findings is as follows:

#### **i. Impact on Fundamental Rights and Freedoms**

##### **Family rights**

Adoption is a process that positively impacts fundamental rights, family rights as outlined in the Constitution of Kenya and other relevant laws such as the Children Act (Cap 141). The adoption process strengthens family structures, protects children's rights, and ensures legal recognition of adoptive families. These regulations complement the laws relating to adoption by ensuring that the procedures of adoption are effective and child-centered. These Regulations positively impact fundamental rights in the following ways:

##### **a. Right to family and parental Care**

Article 53(1)(e) of the Constitution guarantees every child the right to parental care and protection. Adoption ensures that children who have been orphaned, abandoned, or neglected can be placed in loving families, giving them the necessary care, love, and stability. The Act further reinforces this by emphasizing that adoption must always be in the child's best interests.

##### **b. Protection from discrimination**

Article 27 of the Constitution prohibits discrimination on any grounds, including family status. An adopted child has the same rights as a biological child in matters such as inheritance, education, and healthcare. This ensures that adoptive families are treated equally under the law.

**c. Right to nationality and identity**

Article 53(1) (a) of the Constitution states that every child has the right to a name and nationality. Through adoption, stateless or abandoned children can obtain legal recognition, a Kenyan identity, and access to citizenship, giving them full rights as Kenyan nationals. The Children (Adoption Proceedings) Rules, 2023 additionally provide that the proceedings of adoption are done within the location of the child. These regulations further ensure where a foreign adoption is undertaken, proper pre-placement bonding is done. Foreign adoption is also a last resort and only done where local means have been exhausted so as to ensure the national identity of a Kenyan child is maintained.

**d. Legal protection against abuse and neglect**

Adoption ensures that children are placed under responsible guardianship, protecting them from possible abuse, neglect, or exploitation. The Constitution and the Act uphold the principle that every child must be protected from harmful cultural practices, trafficking, and mistreatment.

**ii. Impact on cultural rights**

These proposed Regulations pose some challenges to a child's cultural rights, especially when a child of an older age is adopted into a family with a different culture from their own.

The Council ensures that children are adopted into cultures similar to their culture, and where that may not be possible, the principle of "meaningful child participation" plays a crucial role in the adoption process.

**iii. Impact on environmental rights**

The proposed Regulations do not have a negative impact on the environment or environmental rights of the people.

#### **iv. Economic Impact on the Private Sector**

The proposed Regulations positively impact the private sector by generating revenue streams and creating employment opportunities for professionals, including qualified social workers, counselors, lawyers, and medical personnel.

#### **v. Impact on data protection**

The proposed Regulations require that the Council maintains a register for all adoption matters. In relation to reporting and information sharing on matters relating to adoption, it is anticipated that the Regulations will enhance the confidentiality, integrity and availability of data and protection mechanisms of children.

#### **vi. Impact on the Public Sector**

The proposed Regulations will have a positive impact on the public sector by enhancing coherence and streamlining registration of adoption societies and maintenance of a register of prospective adoptive parents. Regulation of the adoption process will greatly contribute to the integrity of procedures of matters relating to children and in turn boost public confidence.

#### **vii. Social impact**

The proposed Regulations have significant social impacts, benefiting both children and the society as a whole as they prioritize the child's best interests. A well-regulated adoption system ensures that children grow up in stable families while addressing broader social issues such as child neglect, homelessness, and illegal adoption practices.

A key social impact is the reduction in the number of abandoned, orphans and vulnerable children living in unsafe conditions or institutional care. These proposed Regulations also strengthen family structures through providing prospective adoptive parents and the children an opportunity to build family. This ensures children grow up in nurturing environments, promoting emotional and psychological well-being.

A well-regulated adoption process also contributes to positive national development as children raised in stable homes have better access to education and healthcare, contributing to a more skilled and productive workforce as well as social inclusion. Additionally, the decline in the number of street children and juvenile crime lowers the strain on social welfare and criminal justice systems.

### **viii. Impact on National Security**

These proposed Regulations have a significant positive impact on national security through prevention of illegal adoption, protection against child trafficking and exploitation. A well-regulated adoption process prioritizes the child's best interests rather than financial and criminal motives.

The reduction in abandoned or vulnerable children that lack legal guardianship greatly impacts the reduction in juvenile crime thereby having a positive bearing on national security. The adoption process gives children stable homes, reducing their vulnerability to crime, drug abuse and exploitation.

### **ix. Impact on the Constitution and existing legal framework**

The proposed Regulations are in conformity with the Constitution and in harmony with the Act, legislation in *pari materia* and other existing legislation. These proposed Regulations are expected to complement other laws particularly the Children Act, making their implementation more effective.

Further, these proposed Regulations promote the right to privacy by transposing the provisions of the Data Protection Act (Cap 411C) through ensuring that information kept by the Council in the adopted children Register as envisioned under regulation 38, remains concealed and hence its integrity and confidentiality are maintained.

These proposed Regulations do not impair the right to any fair administrative action.

## **H. OPTIONS TO REGULATIONS**

### **The Alternatives**

The analysis of the expected costs and benefits of the proposed Regulations contained in this part seeks to answer the question of whether the benefits justify the costs. This would enable the Regulator to estimate the total expected cost and benefit of every aspect of the Regulations. The objective of the proposed Regulations is to provide a framework for the registration, licensing and accreditation of adoption societies, agencies, persons and associations. Further, the proposed

Regulations will guide on the procedure for undertaking local adoption, kinship adoption, foreign adoption and inter-country adoptions as provided for under the Act.

The following are the benefits related to implementation of the proposed Regulations:

1. The Regulations will provide a robust framework to ensure the safety and well-being of children during the adoption process.
2. The Regulations will simplify and standardize the adoption process, making it more efficient and transparent.
3. Adoption agencies and other stakeholders will be held accountable for their actions, ensuring ethical practices.
4. The Regulations will encourage domestic adoption, reducing the reliance on international adoption and keeping children within their cultural and familial contexts.
5. The Regulations will establish mechanisms for monitoring and evaluating the adoption process, ensuring continuous improvement and addressing any issues that arise.

The options considered under this part are as follows:

- (a) maintaining the status quo;
- (b) application of administrative measures or self-regulatory measures; and
- (c) regulatory measure through the adoption of the proposed Regulations.

**The table below outlines the potential costs and implications associated with each option:**

S/No	Option	Possible Costs	Possible Direct benefits	Implication
1.	Status Quo	Continued inefficiencies and lack of standardization	No immediate costs incurred	i. Ongoing challenges in the adoption process.

				ii. Potential risks to child welfare.
<b>2.</b>	Self-Regulation	Potential lack of oversight and accountability	Flexibility for adoption agencies, reduced government intervention	i. Risks of unethical practices. ii. inconsistent adoption process
<b>3.</b>	Government Regulation	Implementation and enforcement costs	Enhanced child protection, streamlines adoption process, increased accountability	i. Improved adoption outcomes. ii. better support for adoptive families

### Cost-Benefit Analysis

Given the nature of adoption and the human aspect, the costing will be both qualitative and quantitative. The task of comparing the benefits and costs associated with the proposed Regulations and determining whether, and to what extent, there would be a net benefit associated with its adoption is challenging.

The approach taken in this section is to draw together the discussion of benefits and costs, indicate the relative magnitude of these where possible and draw conclusions as to the likely overall impact of the proposed Children (Adoption) Regulations where possible.

Category	Costs (verbatim content)	Benefits	Category	Costs (figuratively)	Justification for Costs	Benefits (Kenyan Context)	Justification for Benefits
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<b>Regulatory Compliance</b>	Increased compliance costs for adoption societies, including licensing, audits, and staff training.	Increased accountability and adherence to child protection standards, reducing risks of child trafficking and illegal adoptions.	<b>Regulatory Compliance</b>	Kes. 30,000 processing fee per local adoption; Kes. 500 for adoption certificate issuance.	As per the proposed Children (Adoption) Regulations, 2024, these fees are set to cover administrative processing costs. (GoK, 2024)	Reduction in illegal adoptions by 40-50%.	Enhanced oversight and stricter regulations are expected to reduce fraudulent adoptions and human trafficking.
<b>Administrative Costs</b>	Governmen t incurs costs for hiring and training additional oversight staff, setting up IT systems for digital record-keeping, and conducting monitoring visits.	Improved governance and efficiency in adoption processes, ensuring transparency and reducing fraud.	<b>Administrative Costs</b>	Estimated Kes. 50M - 100M annually for government monitoring and IT systems.	Investment in IT infrastructure and personnel is necessary for effective monitoring and digital record-keeping.	Improved efficiency leading to 30% faster processing of adoption cases.	Digitized records and standardize d procedures streamline processes, reducing waiting times.
<b>Legal &amp; Court Costs</b>	Higher court involvement leads to increased legal expenses,	More standardized procedures reduce legal disputes	<b>Legal &amp; Court Costs</b>	Approximat ely Kes. 10M - 20M annually for additional legal aid and court cases.	Increased adoption cases may require more judicial resources and	30-50% reduction in legal disputes and irregulariti es.	Clear legal framework s and pre-screening minimize disputes, leading to

	legal aid costs for indigent biological parents, and additional case backlogs.	and improve trust in the system.			legal aid services.		fewer court cases.
<b>Impact on Adoption Rates</b>	Stricter requirements may reduce the number of prospective adoptive parents due to higher financial and procedural barriers.	Ensures only suitable and capable parents adopt, improving child outcomes and long-term stability.	<b>Impact on Adoption Rates</b>	Potential 20-30% reduction in adoption applications due to stricter requirements.	Stricter vetting processes may discourage some prospective adoptive parents.	Higher adoption success rate by 20-30% due to better and capable screening.	Thorough screening ensures only committed and capable parents proceed, leading to stable adoptions.
<b>Child Welfare</b>	Some children may experience longer waiting periods before placement, leading to prolonged stays in institutions.	Reduces the risk of child trafficking, abuse, and improper placements, ensuring better upbringing conditions for children.	<b>Child Welfare</b>	Up to 6-month increase in waiting period for adoption approvals.	Additional screening and case reviews may extend the approval timeline.	50-60% reduction in child trafficking cases.	Tighter regulations and monitoring deter traffickers from exploiting adoption processes.

<b>Efficiency in Adoption Process</b>	Initial costs for digital record-keeping systems and staff training for case management.	Streamline digital processes to reduce bureaucratic delays and enhance coordination among adoption stakeholders.	<b>Efficiency in Adoption Process</b>	One-time cost of Kes. 15M - 30M for digital system setup and training.	Initial investment in technology and training is required for system implementation.	Faster case handling reduces delays by 25-40%.	Automation and improved coordination among agencies expedite case processing.
<b>Long-term Economic Gains</b>	Short-term increase in administrative costs for setting up streamlined processes and digitalization.	Well-placed children in stable homes contribute to national development, reducing future social welfare dependency.	<b>Long-term Economic Gains</b>	Short-term administrative cost increase by 15-20%.	Implementing new systems and training staff incurs initial expenses.	Long-term GDP contribution increases by 5-10% per adopted child in stable households.	Children in supportive families are more likely to become productive citizens, contributing economically.
<b>Cost Savings on Institutional Care</b>	Initial costs for transitioning children from institutional care to adoption, including legal processing.	Lower government expenditure on orphanages and child welfare institutions in the long run.	<b>Cost Savings on Institutional Care</b>	Transition costs estimated at Kes. 200M - 500M for moving children from institutions to family-based care.	Expenses include legal processing, social worker support, and rehoming efforts.	Long-term savings of Kes. 1B+ annually in child welfare institutions.	Reducing reliance on institutional care decreases government expenditure on orphanages.

	and social worker support.						and related services.
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## **I. COMPLIANCE AND IMPLEMENTATION**

The Council is responsible for evaluating the strength of the institutional framework that will enforce the regulation and for developing effective implementation strategies.

The enactment of the proposed Regulations should foster the coordination all stakeholders responsible for matters relating to adoption of children and child welfare. These proposed Regulations will be carried out within the current national legal and institutional framework to streamline procedures promoting the adoption process in Kenya procedures. The Council, in consultation with the Cabinet Secretary for matters relating to children affairs will oversee the implementation.

In developing the proposed Regulations in compliance with legal requirements based on the analysis above, the following points are evident:

- (a) there needs to be an appropriate regulatory framework to support both local and intercountry adoption and information exchange among Government authorities or agencies.
- (b) for adoption processes to be managed effectively, efficiently, and sustainably, the Regulations stipulate the registration of, accreditation and licensing of adoption societies, agencies and persons involved in adoption in Kenya.
- (c) the Council will develop plans and allocate resources to bring the Regulations to fruition. The Regulations outline a clear mechanism for integrating both government agencies and adoption societies and persons involved in adoption.
- (d) regarding Regulatory-Making Authority and the legal mandate, Section 215 of the Children Act (Cap141) authorizes the Cabinet Secretary to establish regulations to implement the Act. Consequently, the Cabinet Secretary holds the necessary legislative power to propose these Regulations.

## **J. CONCLUSION**

The proposed Regulations are necessary for the operationalization of the Children Act and the actualization of the best interests of the child and is therefore the preferred option. It is clear that the benefits and impact of developing these Regulations by far outweigh any estimated cost of its implementation.

## **K. RECOMMENDATION**

From the foregoing, it is evident that the proposed Children (Adoption) Regulations, will facilitate effective implementation of the Children Act, and it is recommended that the Regulations be approved.