Part 1 – Preliminary

1. These regulations may be cited as the Adoption Regulations.
2. In these regulations, except where the context otherwise requires - ‘Adopter’ means any person making application (to an adoption society with an intention of adopting a child.
3. “Case committee” has the meaning assigned to in “regulation 16”.
4. “Adoption Society” has the same meaning assigned to in section 177 of the Children Act.
5. “Committee” means the adoption committee.
6. “Adoption Committee” means the committee established under section 155 of the Children Act.
8. “Child” means a person who has not attained the age of 18 years and in respect of whom an adoption order is sought or has been made.

Adoption Committee – 10 members.

9. These regulations may be cited as Adoption Committee Regulations.

FUNCTIONS

10. These regulations are in addition to and not in substitution to the functions of the committee as provided for under section 155 of the Children Act. The functions of the committee shall be:
   (a) Regulating fees for registration of adoption societies
   (b) Considering, reviewing and either approving or rejecting application for registration for both international and local adoption societies.
   (c) Managing and maintaining a secretariat and the offices allocated to it by the National Council for Children’s Services, central government and other stakeholders.
   (d) Vetting international adoption applications before applicants can be placed with a Kenyan child.
   (e) The central authority for international adoptions and responsible for approving foreign agencies wishing to conduct adoption in Kenya.
   (f) Maintaining an updated register of approved local and foreign adoption societies

MEETINGS

11. (a) The committee shall hold at least 12 meetings in the calendar year.
   (b) The committee shall appoint one of their members to be chairman for a period of three years renewable for another one term.
   (c) The Director Children’s Services shall be the Secretary
(a) The Chairman shall preside at every meeting of the committee. In his absence, the members present shall elect one who shall with respect to that meeting be a chairman.

(b) The quorum of a meeting of the adoption committee shall be six members.

(c) Decisions of the committee shall be by a simple majority of the members present.

(d) The Chairman may at any time at his own motion or upon a written request signed by at least two members, convene a special meeting of the adoption committee.

(e) All letters and instruments written or made by, and all decisions of the committee shall be signed under the hand of the chairman and/or the secretary.

(f) The committee shall have the powers to co-opt members who shall not be more than two.

(g) Except as provided by this schedule, the committee may regulate its own proceedings.

**PART II – ADOPTION SOCIETIES (Sec 177)**

12.(i) (a) Every application for the registration of an adoption society under the Act shall be made in the prescribed form and shall give the particulars, as set out in the First Schedule.

(b) The director shall acknowledge the receipt of every application within fourteen days (14) from the date of the receipt thereof.

(c) Upon the approval of application for Registration, the adoption committee shall issue a certificate of registration in the prescribed form.

(d) Where the application has been rejected, that decision shall be communicated in writing within 6 months by the Adoption Committee and reasons given for rejection.

(ii) Where the adoption society wishes to appeal to the Minister against the decision of adoption committee, they shall do so in the form set out in the Fourth Schedule.

13. To be considered for registration as an adoption society a body must:

i. Be registered as a non-profit making organization for at least twelve months

ii. Are in that period involved in child welfare activities or programmes recognised by the Department of Children’s Services.

iii. (The adoption society shall) consist of an administrative team comprising of:

(a) a qualified and experienced administrator in children matters

(b) qualified social worker from a recognised institution of learning

(c) support staff

iv. Certify arrangement for

(a) Qualified medical practitioner.

14. The Adoption society must have the capacity and adequate resources to carry out the adoption arrangements and in particular:

i. An office and waiting room arrangement in away to guarantee the privacy of the biological parents, guardian, child and the prospective adoptive parents.

ii. Access to facilities where a child offered for adoption can be taken care of

iii. Physical address and telephone number listed in the directory in the name of the agency
The Adoption Committee shall be informed of any changes within thirty calendar days.

15. (a) Upon Registration of an adoption Society it shall set up a case committee.  
(b) Case committee shall comprise of not less than three and not exceeding five responsible persons one of whom shall be a trained social worker. The members of the case committee shall not be employees of the adoption society. The society shall provide the secretariat on ex-officio status. And before commencement of adoption activities, the adoption society shall establish a case committee and shall submit a list of members for approval by the adoption committee.

DUTIES OF THE ADOPTION SOCIETY

16. Where the parent or guardian of a child offers to place a child at the disposal of a registered adoption society with a view to the child being adopted, the society:

   a) Shall furnish the parent or guardian with an explanatory memorandum for biological parents/guardian in the form set out in the Fifth schedule;
   b) Shall not accept the child unless the biological parent or guardian has signed and delivered to the society a certificate of acknowledgement, which the society shall retain in the form set out in the fifth schedule that he/she has read and understood the memorandum.

17. In the case of a child offered to be delivered by or on behalf of a registered adoption society into the care and possession of an adopter:

   (a) The society shall make social inquiry report on the matters set out in the sixth schedule.
   (b) Obtain a medical report on the health of the child and adopter duly signed by medical practitioner
   (c) Such reports obtained under this paragraph shall be retained by the adoption society until the child's age of majority.

18. No child shall be delivered into the care and possession of an adopter by or on behalf of an adoption society until:

   (a) case committee has considered the reports required by regulation 18(a).
   (b) the adopter application has been approved by the case committee.
   (c) the memorandum for adoptive parent has been explained to them and they have signed the Certificate of acknowledgement as set out in the Seventh Schedule.

19. (i) Every adoption society shall within twelve months after the date of its approval by the Director of, Children's Services and thereafter at least once in every period of twelve months, furnish the Director with:

   a) Duly audited accounts and a balance sheet (and);
   b) An annual report in the form set out in the ninth schedule to these regulations.
(ii) For the purpose of subparagraph (a) of paragraph (1) the auditor shall be an independent person who is the holder of a practising certificate issued pursuant to section 21 of certified public accountants act.

20. (i) Every adoption society shall make adequate arrangements for the care and supervision of children who have been placed by their parents or guardians in the care of the society.

(ii) Where a child is a valuable for adoption and is not living under the direct control of the society shall, unless and until the child has been adopted, or the Director otherwise directs, be visited in the first month and at least once in every three months thereafter by a representative of the society, who shall report upon the case to the case committee to take appropriate action.

21. (a) In the event of the adoption society breaching any of the provisions of the undertaking in the first schedule the adoption committee may stop any ongoing arrangement and bar any further contraction for a period of time as the committee deems fit.

(b) In the case of deregistration the adoption society should transfer the files relating to the ongoing adoption arrangements to another approved society with the approval of the adoption committee.

PART III

INTERNATIONAL ADOPTION REGULATIONS

PRELIMINARY

22. These Regulations may be cited as the International Adoption Regulations.

(a) In these Regulations, except where the context otherwise requires:
(b) “Adopters” means two spouses who are not Kenyan citizens and not resident in Kenya: making application to adopt a child in Kenya
(c) “Adoptable” means a child capable of being adopted as per the requirements of the Children Act
(d) “Foreign adoption society” means an adoption society approved by the Government of the receiving country which shall be a signatory to the Hague Convention and recognised by the Government of the sending country.
(e) “Local adoption society” means a registered adoption society in Kenya authorised to conduct international adoptions
(f) “receiving country” means the country where the adopted child will ordinarily reside and gain citizenship and are signatories to the Hague Convention
(g) “sending country” means Republic of Kenya.
(h) “spouses” means a man and a woman legally married to each other.

23. ARRANGEMENTS FOR ADOPTION

1. No child shall be delivered into the care and procession of an adopter by or on behalf of an adoption society until:
(a) The case committee has considered the reports required by regulation (18a.)
(b) The adopters’ application has been approved by the case committee
(c) The memorandum for adoptive parents has been explained to them and they have signed the Certificate of acknowledgement as set out in the Seventh Schedule

2. Any foreign Adoption Societies wishing to be recognized and there permitted to conduct foreign Adoption in Kenya must submit to the Adoption Committee an application accompanied by the following:

(a) Certificate of approval by a competent authority in the country of residence,
(b) An undertaking to respect the applicable law of the sending country

3. Every application for adoption from a foreign adoption society shall be sent to a Kenyan adoption society registered to undertake international adoptions

(a) The application shall be accompanied by the documents set out in the tenth Schedule.
(b) All the documents from the foreign adoption society must be notarised or authenticated by the Ministry of Foreign Affairs of the renewing country.
(c) Upon receipt of the application from the foreign adoption society, Kenyan adoption society shall forward the same to the Adoption Committee, which may either approve or reject it.

4. For the purposes of International Adoption, all decisions of the Committee shall be communicated to the Kenyan Adoption society within 30 days from the date such decision is made.

5. The Kenyan Adoption Society shall communicate the approval of the application to the foreign adoption society within 2 months attaching:

a) A brief report on the adoptable children a valuable at the time that closely match the adopters preferences
b) Information about the approximate length of time the adoption process may take, court-filing fees, advocates fees, administrative fees, accommodation and any other relevant materials.
c) A copy of the undertaking in the 12th schedule expected to be signed by the adopters upon their arrival in Kenya.

6. In the event that the Committee rejects the application, the rejection shall be communicated to the foreign adoption society by the Kenyan adoption society detailing the reasons for the same within two (2) months of receiving the application.

7. In the case of a rejected application, the foreign adoption society is to submit a second application for adoption within 6 months from the date of rejection to the Kenyan adoption society.
8. Upon the foreign adoption society receiving notification of approval for adoption, from the Kenyan Adoption Society, it shall inform the adopters who shall then make arrangements to travel to Kenya within 3 months from the time of such notification.

9. Upon the arrival of the Adopters in Kenya, the Kenyan adoption society shall immediately make arrangements to introduce them to the adoptable child described in (5a.) of this part and to any other children who have since then become adoptable and match the adopters’ preferences.

10. The adaptable child shall be placed into the care of the adopters for three (3) continuous months while under the supervision of the local adoption society.

11. Where the adopters complete the placement period satisfactorily the Kenyan adoption society may assist them to lodge an application in the High Court. Approval from the adoption committee shall form part of the bundle that submitted in court.

12. Where the adoption society is not satisfied with the conduct of the adopters during the placement period, it shall inform the Committee of the same before an adoption order is made.

13. In pursuance of 12 above, the Committee shall carry out further investigation (including inquiries with the foreign adoption society) and communicate the result of such investigation to the foreign adoption society and the local adoption society.

14. In the event that the decision of the Committee is for the cessation of the arrangement for adoption, the adopters and the foreign adoption society shall be informed of the decision.

15. Once the adoption order has been granted, the Kenyan adoption society shall notify the foreign adoption society of the same within 7 days and may assist the adopters obtain travel documents for themselves and the child for departure from Kenya.

16. The file of a particular adoption case shall be closed and retained by the Kenyan adoption society upon receipt of the third progress report from the foreign adoption society on the adopted child.

17. (a) In the event of the foreign adoption society breaching any of the provisions of the undertaking in the twelfth schedule, the adoption committee may stop an ongoing arrangement for adoption and bar any further contracts for a period of time as the committee deems fit.

(b) In the case of deregistration, a foreign adoption society should transfer the files relating to the ongoing adoption arrangement to another approved adoption society. Communication on the same shall be sent to the relevant Kenyan adoption society.

PART IV MISCELLANEOUS

18. Every prospective adopter(s) shall, forthwith upon a child being placed with him/her by any party other than an adoption society, notify the Director of Children’s Services of such placement and of the date thereof.
19. (a) (1) Where a child has been delivered into the care and possession of a prospective adopter(s), visits shall be made to the child at least once in every month:

In the case of a child so delivered by an adoption society, by a representative of that society; or
In any other case, by the Director of Children’s Services or his authorized representative and for that purpose the prospective adopter shall allow access by such person to the child at any reasonable time.
(2) The representative of the adoption society or Director of Children’s Services shall report on such visits to the guardian ad litem, unless he is himself the guardian ad litem of the child
(3) The provisions for regulation 13 of part (ii) shall apply.

20. Where the court makes an adoption order conditional on the adopter accepting supervision and advice from an adoption society, a representative of such society shall visit the child at least once in every month during the continuance in force of the condition and for that purpose the adopter shall allow access by such person to the child at any reasonable time.

21. The fees payable under subsection (3) of section 169 of the Act shall be:

   (i) To search the index of the Adopted children register
   (ii) for a certified copy of an entry in that register

FIRST SCHEDULE

FORM OF APPLICATION FOR REGISTRATION OF AN ADOPTION SOCIETY

To: The Director of Children’s Services

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

Hereby apply to have the said society/body registered as an adoption society under the Adoption Regulations.
The following are particulars of the society/body
Date of establishment
Full physical and postal address of the society’s administrative centre
(a) For what object(s) does the society exist?
(b) Does it exist only for the above object(s)
© Does it apply the whole of its income in promoting the above objects?

(A copy of the instrument governing the society’s activities should be attached)

*4. Full names, addresses and occupations or descriptions of all members of the committee controlling the activities of the society.
*5. Full names, addresses, occupations or descriptions 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 there under? (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. Copies should be attached of the society’s latest annual report and audited statement of accounts.

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

Signature

Office held under the society

Address

* Attach separate list if necessary.
+ Insert date on which last financial year ended.

SECOND SCHEDULE

MINISTRY OF HOME AFFAIRS

CERTIFICATE OF REGISTRATION FOR AN ADOPTION SOCIETY

This is to certify that……………………………………………………..of P.O BOX……………………………….

Situated in ………………………………………..has been granted registration as an adoption society under section 177(5) of the Children Act Cap 586 Laws of Kenya for the period……………………………… to ………………………………….. 

Issued on the ……………….day of………………20…

Registration number……………….. Of 20…….

Chairman Director of
Adoption committee Children’s services

THIRD SCHEDULE

FORM OF RENEWAL FOR REGISTRATION OF AN ADOPTION SOCIETY

To: The Director Children’s Services

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

Hereby apply to have the said society/body registration renewed under the Adoption Regulations.

The following are particulars of the society/body

1. Date of establishment ……………………………. Registration number

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

3. (a) For what object(s) does the society exist?
   b) Does it exist only for the above object(s)
   c) Does it apply the whole of its income in
   Promoting the above objects?
   (A copy of the instrument governing the society’s activities should be attached)

4. Full names, addresses and occupations or descriptions of all members of the committee controlling the activities of the society.

5. Full names, addresses, occupations or descriptions 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 there under? (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/body during the year ended +….
   a) Number of application from persons wishing to adopt a child.
   b) Number of children offered to the society with a view to adoption.
   c) Number of children taken into children’s homes under the direct control of the society pending adoption
   d) Number of children placed by the society pending adoption in foster Homes or children’s homes not under the direct control of the society.
   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 children passing away from the time they have been identified to be suitable for adoption

9. Number of children placed for adoption by the society and awaiting adoption orders at the end of the year.
   b) Number of children in homes under the direct control of the society at the end of the year.
   c) Number of children at the end of the year in foster homes or in children’s homes in which they had been placed by the society but which are not under society’s direct control.

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

I/we hereby declare that the above particulars are correct in every respect.
FOURTH SCHEDULE
FORM OF APPEAL AGAINST REJECTION OF APPLICATION FOR REGISTRATION AS AN ADOPTION SOCIETY

Name ……………………………………….
Address……………………………………….
Date of application ………………………
To the Minister
We the undersigned …………………………….. on behalf of ……………………………. Wish to appeal against the decision of the adoption committee rejecting our application for registration as an adoption society (attached copy of application) communicated to us by their letter attached herein dated …………….. on the following grounds;
State grounds for appeal

FIFTH SCHEDULE
ADOPTION OF CHILDREN EXPLANATORY MEMORANDUM FOR BIOLOGICAL PARENT/GUARDIAN

If the court makes an adoption order, all your rights and duties with regard to the child/ren will be transferred permanently to the adopters and in law the child/ren will no longer be yours.

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.

The court cannot make an adoption order without the consent of a child who has attained the age
of 14 years.

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.

You may either consent to adoption by specific applicants, or to adoption by any persons whom the adoption society finds to be suitable either locally or internationally.

You may if you wish stipulate that your consent is given on condition that the child is brought up in a particular religious persuasion.

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 Director of children’s services as the case may be.

Where the applicants are referred to by a number you are not allowed to be told who they are, but you are entitled to be given information as to what sort of people they are.

If you have given your consent but change your mind and want to get the child back you will have to apply to the court for leave to remove the child from the care of the would be adopters; but you are not allowed to change your mind and withdraw your consent merely on the ground that you do not know the identity of the would be adopters.

You are not allowed to change your mind and withdraw your consent once the court has made a final adoption order.

You are not allowed to 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.

If you have taken out an insurance policy for your child, the insurer will be able to tell you whether after the adoption order is made, the policy can 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.
Name …………………………………………………… ID.NO. ………………………………
Physical Address ……………………………………………………………………………
Telephone ………………………………… Email ………………………………………..
Signature ………………………………………….. Date ……………………………………
In the presence of mother/guardian in the case of a minor parent ..
PARTICULARS OF THE CHILD

Full Names …………………………………………………………………………………..
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/GUARDIANS

MOTHER
Full Names …………………………………………………………………………………..
Date of birth ………………. Place of birth …………………………………………
ID. NO/ Passport Number. ……………………………………..
Marital status ……………………………….(indicate if married to the child’s father)
Nationality ………………………………………………. Race ……………………………
Religion …………………………………………………
Address ………………………………………..
Telephone ………………………………… Email ………………………….
Residence ……………………………………
Level of education ………………………………. Occupation/Income …………………
Home District ………………………….. Division ………………………………..
Location ………………………………. Sub-location ……………………………
Village …………………………… Nearest Landmark ……………………………
Next of kin …………………………………………………………………………………
Relationship ……………………………………………………………………………….
Contact Address…………………………………………………………………………

Details 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 no why? .................................
.........................................................................................................................
.........................................................................................................................
Signature ................................ Date .................................................................

FATHER

Full Names ................................................................. Date of Birth ........................ Place of birth ...............................
ID.NO/Passport/Number .................................................................
Marital Status ..........................................................................
Do you consent to the adoption? .................................. If no give reasons..............
Nationality ......................... Race ..............................................
Religion ................................................................. Address ...............................................................
Telephone .......................... Email .................................................................
Residence ..........................
Level of education ......................... Occupation/Income ........................
Home district ................................. Division .................................
Location ................................. Sub-location .................................
Village ................................. Nearest landmark .............................
Details of other children if any:
FullNames ............................... Age .......................... Sex .......................... Occupation
1.
2.
3.
Any history of hereditary or other disease in your family? Yes ... No.... If yes state:
.........................................................................................................................
.........................................................................................................................

If you are married to the mother or if you have acquired parental responsibility under the provisions of sec. 25 (1) of the Children Act, do you consent to the adoption............ If you don’t consent give reasons.........................................................................................................................

Father’s Signature .......................... Date .................................................................

GUARDIAN

FullNames ................................................................. Date of Birth ........................ Place of Birth ...............................
ID.NO. ................................. Passport No..............................................
Marital Status .................................
Nationality ................................. Race ..............................................
Religion ................................. Address .................................................................
Telephone .............................. email .................................................................
Residence ........................................................... Education level ..............................................................
Home District ........................................ Division .................................................................
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 address
1.
2.
3.

Have they been informed of the proposed adoption? Yes….. No. ..... give reasons
........................................................................................................................................
........................................................................................................................................
........................................................................................................................................

OTHER PERSONS

Other persons liable to contribute to the support of the child :
Full Names Relationship Remarks
1.
2.
3.

Do they agree to adoption? Yes ..... No. .... If no give reasons .................................
........................................................................................................................................

Guardian’s signature ......................... Date .................................
SEVENTH SCHEDULE
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 purpose 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 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 as if he or she was born to you.

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 can not enter into a marriage relationship.

6. 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. That 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 and that you shall inform the adoption society incase change of address, serious illness, or death of the child within 24 hours.

13. You shall inform the adoption society in the event of death of a spouse or change of marital status incase of joint application.
FORM 2

FORM FOR ENQUIRY ON PROSPECTIVE ADOPTER(S)
PARTICULARS OF FEMALE PROSPECTIVE ADOPTER

Full names ............................................
Physical Address ............................................................( attach map)
Email address ................................................ Telephone no. ..............................
Postal address ........................................ Nearest Land mark ..............
Date of birth .................... Place of birth .................................
ID. No. .................................. Passport No. .............................
Occupation ..........................................................
Marital status ......................................................
Type of marriage ( Christian, Islamic customary or other specify) ..................
Form of marriage (polygamous, monogamous) ........................................
Date of marriage ........................ Place of marriage ......................
If married, do you intend to make a joint application for an adoption order? ......
If no, give reasons ..........................................................
Country of Domicile ..................... Nationality ..........................
Race ......................................................... Religion .................................
Immigration status .......................... ..................................................
Length of previous residence in Kenya ...............................................
Intended length of future residence in Kenya .......................................  
Income per month/other sources of income .......................................  
How far is the earning of the children living in the home included in this income  
..............................................................................................

PARTICULARS OF MALE PROSPECTIVE ADOPTOR

Full names ..............................................................
Physical Address ............................................................( attach map)
Email address ................................................ Telephone no. ..............................
Postal address ........................................ Nearest Land mark ..............
Date of birth .................... Place of birth .................................
ID. No. .................................. Passport No. .............................
Occupation ..........................................................
Marital status ......................................................
Type of marriage ( Christian, customary or other specify) ..................
Form of marriage (polygamous, monogamous) ........................................
Date of marriage ........................ Place of marriage ......................
If married, do you intend to make a joint application for an adoption order? ......
If no, give reasons ..........................................................
Country of Domicile ..................... Nationality ..........................
Race ......................................................... Religion .................................
Immigration status .......................... ..................................................
Length of previous residence in Kenya ...............................................
Intended length of future residence in Kenya ........................................
Income per month ...................................................................................
How far is the earning of the children living in the home included in the income ....................................................................................................................

OTHER CHILDREN IN THE PROSPECTIVE ADOPTIVE FAMILY

Full names  Date of birth  Sex  Occupation
1.
2.
3.
4.

How many of the children are living at home?
...........................................................................................................................

What is the opinion of the children on the proposed adoption?
...........................................................................................................................

Have you adopted a child (ren) before? Yes… No… If yes give details
Name  Date of birth  Sex  Occupation
1.
2.
3.

Details of their health status.................................................................
...........................................................................................................................

Name and address of the adoption society that arranged the adoption.
...........................................................................................................................

Has any previous application for adoption been rejected? Yes …. No. … If yes give reasons.................................................................................................................................

ACCOMODATION AND CONDITION OF THE HOME

Description of the Home ...........................................................................
Number of bedrooms  Source of water ........................................................
Type of toilet / Bathroom ..............................................................................
Type of house ( permanent/ semi-permanent/ traditional) ...........................
Owner occupier/Rented ..............................................................................
Assets/ property ...........................................................................................

Liabilities (loan, mortgage etc) .................................................................

Details of other people living in the home:
Full names  Age  sex  Relationship  Occupation
1.
2.
3.

Are the people living in the home in apparent good health?
What child do you wish to adopt? Age …… sex …… Race. Other Specify ……..
Would you welcome periodical visits by a representative of an adoption society for a limited period after the adoption order is made? Yes…… No. …… Give reasons……..
…………………………………………………………………………………………………………………………..
…………………………………………………………………………………………………………………………..

Give names of responsible persons who can vouch for your character and means:
Name Title/occupation Address Telephone/email
1. 
2. 
3. 

I certify that the information given above is true to the best of my knowledge.
Name ……………………… Signature ………… Date ………
………………………………………………………………………………………………………………………………..
FORM 3

FORM FOR REFEREE INFORMATION ON THE PROSPECTIVE ADOPTERS
“CONFIDENTIAL”

Dear ……………………………………..(name of referee)
RE :  ………………………………………. ( name of applicant)
The above named person(s) has/have applied to adopt a child under the care of this society and have given your name(s) as a referee. Any information you care to give will be treated with strictest confidentiality.

Kindly answer the questions below and return the form to us either personally or by post at your earliest convenience.

Yours faithfully,

(Name & Signature)
Director (Adoption Society)

1. How long have you known the applicant(s) ? ………………………………………………………..
Are you in any way related to them? Specify………………………………………………………………………
Do you consider the applicant(s) suitable to undertake the care of a child not their own? If no give reasons ……………………………………………………………………….
Is the relationship within the home happy (harmonious) as far as you are able to judge? If no give details…………………………………………………………………….
Do you know the religious persuasion of the applicant(s)? Specify …………………………………………………
Have the applicant(s) been convicted of any criminal offence?...If yes give details……………………………
Do you know whether the applicant(s) have a history of abusing children? ………………… If yes give details ………………………………………………………………………
You consider that a child placed in this home will be brought up against the background of stability and affection? ………………………………………………………………………………

In your opinion do you think there’s adequate income in this household to bring up a child? Give details……………………………………………………………………
Are the members of the household of good character – if no give details?
Are the adopters and members of the household in apparent good health?
Any other remarks that would be relevant to considering this application.
Name ……………………………… Occupation………………………………………
Signature …………………………….. Date ……………………………………………

VERIFICATION OF APPLICATION

(a) Have the particulars given under the sixth schedule above been verified so far as possible
Have the particulars of the birth of the child, and of the death, marriage or separation of the parents, and of the marriage of the adopter(s) been confirmed by inspection of certificate of birth, death or marriage or the separation order?

2. Has the social worker of the adoption society interviewed the adopter(s)?
3. Has the home of the adopter(s) been inspected by the social worker?
4. Are the adopters and the members of their household of good character, have their references been taken.
5. a) Are the adopters and members of the household in good health?
   b) In case of the adopters is this supported by medical evidence as set out in eight schedule
6. a) Has the child been seen by the adopters?
   b) Has the child been accepted by the adopter(s) with a view to adoption?
7. Has the desirability of maintaining contact with an adoption society and seeking its guidance been fully explained to the adopters?

EIGHTH SCHEDULE

MEDICAL PARTICULARS OF THE CHILD
(A medical practitioner must sign the medical report)

(a) Date of birth
(ii) Has the child suffered from neonatal jaundice?
(b) Weight at birth (state if premature)
© Present weight
(d) 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 affection/problem of bones, muscles or joints?
5. Are there any evidences of paralysis?
6. What is the HIV status of the child and any other 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 affection of the skin?
9. Is there, or has there been any affection of the eyes? Is the sight normal?
10. Has the child had any discharge from the ears, or any serious ear trouble, and can he/she 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) ……………………………
   -Pentavelant vaccination (against whooping cough, diphtheria and tetanus)
   -Tetanus toxoid
   -Measles
   -Other (state which) …………………………………………
16. Is the child’s mental and physical development normal for his/her 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 any condition not mentioned above about which you consider an adopter
should be informed.

MEDICAL PARTICULARS OF PROSPECTIVE ADOPTER
(The medical report must be signed by a medical practitioner)

1. (a) Name of prospective adopter;
   Date of birth
   Sex
   Address.

2. What is the HIV status of the prospective adopter

3. 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?

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

5. Has the prospective adopter suffered/suffering from any of the following?
   (a) Tuberculosis
   (b) Chronic bronchitis or recurrent chest illness
   © Cardiovascular disease;
   (d) Any form of rheumatism
   (e) Any form or neurosis or mental disorder
   (f) Epilepsy
   (g) Genitor-urinary disease
   (h) Diabetes
   (i) Any neurological disorder
   (j) Leprosy
   (k) Any illness, which might shorten the expectation of life or cause recurrent disability.

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

7. Is there any relevant family history of medical or physical disease?

8. 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)
   © 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

9. Is there normal use of limbs?

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

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

FORM OF CERTIFICATE OF ACKNOWLEDGEMENT
TO.................................................................................................................................
........
I/we …………………………………………………. HEREBY CERTIFY that I/we have received from you a memorandum headed – explanatory memorandum for adoptive parents from which I/we have detached this certificate of acknowledgement; and I/we further certify that I/we have read the memorandum and understand it.

SIGNATURE………………….   DATE

ADDRESS

TELEPHONE ……………………………….. EMAIL

NINTH SCHEDULE
Form of Annual Report (Adoption Society)
Report to the Director Children’s Services,
From the adoption society called

For the financial year ended ………………………………………………………………………1. Full postal address of the society’s administrative centre.
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. Full names, addresses and occupations or descriptions of all members of the committee controlling the activities of the society.
4. Full names, occupations or descriptions 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 of a breach of any regulations made there under (if so, give particulars.)
6. Full 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 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
   © Number of children taken into hostels under the direct control of the society or in a charitable children’s institution pending adoption
   (d) Number of children placed by the society pending adoption in foster homes or hostels not under the direct control of the society.
   (e) Number of children placed with a view to adoption.
   (f) Number of adoption orders made in respect of children placed by the society.
8. (a) Number of children placed for adoption by the society and awaiting Adoption orders at the end of the year.
   Number of children in hostels under the direct control of the society or in a charitable children’s institution at The end of the year
   © Number of children at the end of the year in foster homes or in hostels in which they had been placed by the society but which are not under the Society’s direct control.
   A copy of the society’s latest annual report is attached;
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:

TENTH SCHEDULE
FOREIGN ADOPTION REQUIREMENTS

Information and certified copies of documents of the prospective adopters to accompany application for adoption by foreign adoption society

1. Passports
2. Full size coloured photographs.
3. Full size coloured photographs of their children (if any).
4. Religion of the spouses
5. Occupations
6. Birth certificates of spouses
7. Birth certificates of their children (if any)
8. Marriage certificate
9. Medical certificates (including information on the fertility of the spouses)
10. Social enquiry report from an official agency detailing preferences of the child to be adopted.
11. Two (2) references from responsible persons preferably the local religious leader, Commissioner for Oaths, Notary Public or relevant government department.
12. Affidavit from a reliable person(s) to take charge of the child in case of accident or death of the adopting parents
13. A report on financial means supported by official documents
14. A report on fixed assets
15. Record of convictions (if any)
16. Certificate of good conduct
17. Consent from competent court or government authority permitting spouses to adopt a foreign child.
18. Undertaking by a foreign adopter in the manner prescribed in the eleventh schedule
19. Undertaking by foreign adoption society in the manner prescribed in the twelfth schedule
FORM OF APPLICATION BY A KENYAN ADOPTION SOCIETY FOR REGISTRATION TO UNDERTAKE FOREIGN ADOPTIONS

To: The Director of Children’s Services

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. Names, addresses and qualifications of the persons who will arrange for international adoptions in your society.
4. Reasons for intending to engage in international adoption.

Name ……………………………
Title…………………………………

Signed………………………………

ELEVENTH SCHEDULE

Undertaking by the Adopters

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 behavioural or other changes in the child (ren).

6. The adoption society in our country will provide annual follow up reports on the progress of the child to the adoption society in Kenya for a period of three (3) years.

7. In order to accomplish the task in (6) above, we shall allow the representatives of the adoption society in our country 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.
TWELFTH SCHEDULE

UNDERTAKING BY FOREIGN ADOPTION SOCIETY

We. ………………………………(Name of society) undertake to do the following;

1. To carry out all activities pertaining to this adoption to its conclusion.

2. To explain the requirements and legal implications of adoption of a Kenyan child.

3. To investigate the prospective adopters and prepare a Social Enquiry Report.

4. To collect and collate all the requisite information for transmission to the local adoption society.

5. To prepare the prospective adopters 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 will be required of the adopters during their stay in Kenya.

6. To confirm that the Kenyan adoption order will be respected and recognized in the receiving country and that the adopted child will gain resident status.

7. To conduct visits to the adopters’ 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 country.

8. In the event of a breakdown of the adopter’s marriage or death, to ensure that the child enters into the care and possession of the named guardian or appointed fit person or authority.

Name of authorized official……………………………

Designation………………………………………………

Signed. ……………………. In the presence of notary public