

SOME LEGAL AND SOCIAL ASPECTS OF ADOPTION
IN KENYA

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INTRODUCTORY CHAPTER

My aim in this paper is to examine some Legal and Social aspects of adoption in Kenya, and to submit what roles these aspects have played in the development of adoption in our country. Throughout the paper, one finds that there is a lot of emphasis on Legal Adoption as the ideal institution which can take satisfactory care of the needs of homeless infants or childless adults. The law on Legal Adoption is imported English Law. My submission is that before adoption Law was imported, the African Society in Kenya had institutions such as customary foster care, polygamy and traditional adoption which could in the past satisfactorily serve the needs of homeless infants and childless adults. Presently, however, the changed socio-economic circumstances in our society have rendered these indigenous institutions incapable of coping with the increased need for homes required by homeless infants, and the need for a permanent and a secure institution.

Adoption Defined:

Bevan defines adoption as, "a legal method of creating between a child and one who is not the natural

parent of the child an artificial family relationship analogous to that of Parent and Child.¹

The shorter Oxford English Dictionary defines adoption as, "taking up and treating as one's own."²

The Adoption Act^{3a} defines adoption as the complete severance of the legal relationship between natural parents and the child^{3b} and the establishment of a new relationship between the child and his adoptive parents. According to the Act, Adoption transfers permanently all duties and rights as regards the child from the natural parents to the adoptive parents.

Adoption Distinguished From Foster Care:

The permanent characteristic of adoption distinguishes it from foster care with which it is often confused. Foster care is temporary, and it does not change the status of the child. Foster care is sometimes paid for by those who want their children fostered or by charitable organisations and the child fostered does not have any right of inheritance from its foster parents. The temporary status of foster care, makes it an insecure institution both to the

child and to the foster parents. Unlike foster care, adoption is permanent and it changes the legal status of the child. Adoption is never paid for and the adopted child acquires all the rights of a natural child including the right of inheritance. Alice Reggi rightly says, "Adoption is a permanent solution for a homeless child."^{4a}

History of Adoption:

Texts show that the principle of adoption was a custom in Greece and Rome centuries ago. This custom was embodied in their laws. In France and Germany, countries whose jurisprudence embodied Roman law, adoption was regulated according to the principles of the Roman Emperor Justinian, the father of the Roman Law. The institution has also been regulated by law for many years in the U.S.A. In England, however, the principle of adoption was for a long time unknown upto post world war I era.

After the first world war people became 'traditional' adopters of orphans and illegitimate children in England notwithstanding the legal risks involved.^{4b} This stirred the Public conscience into setting up committees in 1921 and 1925 to probe such traditional

practices. The two committee Reports culminated in the English Adoption Act 1926. The object of the act which introduced Adoption to English Law was to provide for the child and the adopters the security of a permanent relationship without threat that the child at some age in later years may be taken away from them. The 1926 English Adoption Act was also passed to eradicate the social evil of baby farming - a practice whereby people took infants to nurse for pay,

Importation of Adoption Law in Kenya:

Adoption law was imported to Kenya in 1933, as the Adoption Ordinance 1933. This was later replaced by the present Adoption Act. Aims of the Adoption Bill were stated by the then Minister for Local Government, Health and Housing. The main aim of the debate was to import Legal Adoption. The aims of Legal Adoption were stated as, "to ensure that those children who are adopted are treated exactly in the same way as children of natural parents, as regards rights and privileges; to ensure that adopted children would be regarded as full blood relations or full blood brothers or sisters of the natural children of the adopters.

Another aim of the Bill was to incorporate Adoption Societies which had up to then not been recognised and which would be active in placing children with adopters. Similarly the Bill was to remove a number of inconveniences in the procedure of adoption law as known to English law. Such inconveniences included requiring the consent of fathers of illegitimate children who were usually hard to find and anyhow had no legal status or interest in regard to the child; the trouble parents had in changing the adopted children's surnames by deed polls. The legislature resolved that consent of "illegitimate" fathers would no longer be required for adoption purposes/ such fathers acknowledged paternity and contributed towards the maintenance of the child; that change of surname of adopted children would be effected by the Adoption Ordinance 1953, by including the surname in the Adoption Certificates.

The Assembly debates also indicated another aim stated by the Minister as, "to avoid anything of the nature of baby farming which fortunately has not happened yet in this country."⁵

Unless

Finally, and of great significance was the aim to make adoption legal. This was stated by a nominated member, Kirpal Singh Sagoo. Singh expressed the fear of the risk of traditional adoption. He stated that those who had adopted children of their next of kin, bestowed all their love and affection on the children, lived under a constant threat that the child at some age would be taken away from them.

But the importation of adoption law cannot be explained only in terms of the aims stated in the Legislative Assembly Debates. Historical reasons also help explain the importation of adoption law in Kenya. For nearly seventy years Kenya was under the colonial yoke. Colonialism was rooted in paternalism which was itself rooted in racism and darwinism. The institutions of the colonised people were considered inferior to that of the colonisers. The 'inferior' institutions of African Customary Law had to be replaced by the 'superior' ones, gradually. Thus English law found its way into Kenya.

Moreover, owing to the Victorian complex, the colonisers wanted to live their lives in the colonies as their counterparts at home were doing. So, the law as it was in England had to be imported to facilitate this.

Adoption A Totally Foreign Institution?

Although I found it difficult to get one word in many of our vernaculars for the term 'Adoption', interviews clearly revealed that adoption is not a foreign institution.^{5b} Legal Adoption is a foreign institution imposed by law but, some African societies practised traditional adoption. Abandoned children of unknown parentage were traditionally adopted. Children taken captive after warfare were adopted. The same applied to children who in times of famine were given away in exchange for food.⁶ But, foster care had deeper roots in our society than traditional adoption.

Why Legal Adoption?

In pre-colonial Kenya, customary foster care, traditional adoption, and polygamy⁷ satisfactorily served the needs of homeless infants and childless adults. Legal adoption was unknown. The above institutions served well because such customary practices were inherent in the people. Society had not been tampered with. No one had come to look down on African practices as repugnant. Moreover the standard of living was low and people could easily afford to feed a few more mouths. There were

very few children born out of wedlock. And due to the extended family system in the African Society infants were well taken care of even by distant relatives. There were no such problems as scarcity of land which would prevent people from traditionally adopting boys who would later need land for building their homesteads.

The social and economic circumstances have however changed. Due to the high and rising standard of living it has become difficult to take care of one more person in the family. The liberal attitude in our society is therefore being checked.

Moreover, the number of children born out of wedlock in our society increases at such a rate that foster care cannot cope with demand for homes for children born out of wedlock. The increase of the number of children born out of wedlock may primarily be explained by breakdown of traditional institutions which ensured that young persons were advised on how to take care of themselves.

Similarly, due to the importation of foreign adoption law and with it the institution of legal adoption, people have become aware of the risk⁸ involved in traditional adoption and foster care. Traditional

Traditional adoption has no legal backing. After making a lot of sacrifice to make a child live comfortably, his blood relation can later come and successfully take him away. This is also true with foster care. Both institutions are temporary and therefore insecure. The permanence and security of legal adoption is ideal both for the welfare of the infant and that of his adopter. The institution of polygamy, where it is practised because the wife is barren is no solution to the barren woman. It may even add to her problems.

The above analysis lays a strong foundation for legal adoption. The following chapters will therefore deal with legal adoption as embodied in the Adoption Act. In chapter one, I will discuss circumstances justifying the institution of adoption in Kenya. This will involve an examination of cases of abandoned children, ill-treated children, orphans, children born out of wedlock, and children who become available for adoption due to incapacity of parents, and childless adults.

In chapter two, I will examine the legal procedure for adoption, where possible, giving reasons for requirements of the law. The legal procedure will include answers as to who may adopt

consent to adoption and the legal effect of adoption orders. It will include comments on non-payment of fees and confidentiality in adoption procedure.

An analysis of what the law had done towards the development of adoption in Kenya will follow in chapter three. In this chapter, I will discuss some more outstanding legal features of adoption and the few court cases available. This chapter will indicate the development of the law of adoption from the colonial era to date.

In chapter four, I will discuss some social aspects of adoption in Kenya. Such aspects will include the adoptability of adopted children to their societies^{as} they grow up, the public opinion on the institution of legal adoption, and the role of religion.

Then I will have a conclusion to my dissertation as a summary of what the paper has dealt with and how it has dealt with it. My concluding chapter will also include recommendations on how legal adoption can be further developed.

CHAPTER I

CIRCUMSTANCES JUSTIFYING ADOPTION

In the introductory chapter, we submitted after analysis that due to the risk of having a child claimed back by his relatives, *owing* to the impermanence and insecurity of customary foster care and traditional adoption, legal adoption is preferable. We saw that the effectiveness of our cherished traditional institutions for taking care of the needs of homeless infants has been reduced by social and economic factors. Presently, they cannot adequately and satisfactorily serve the role they played in pre-colonial era. In this chapter we the shall discuss those circumstances which justify the institution of legal adoption in Kenya.

Abandoned Children?

This sub-topic deals with abandoned children both of known and unknown parentage. Obviously, the children are abandoned because they are not wanted. usually They are abandoned by single mothers.¹⁰ Some girls abandon children because they do not want people to know they have given birth. Others abandon children when they have been chased from their homes due to

their pregnancies. Other girls abandon their children when they have been jilted by their boyfriends and they do not want anything to remind them of the past affair. Yet others, due to ignorance¹¹ abandon their children because they cannot maintain them financially.

Children are usually abandoned in hospitals, dustbins, pit-latrines, bushes and river banks. Interviews with Hospital Social Workers revealed that young unmarried mothers register under false names and after birth abandon the babies in the hospitals. Usually, such mothers are not traced. If they are traced, they are encouraged to take care of their babies. Other abandoned children are usually picked up by the police or the members of the public. Such cases are reported to the Juvenile Courts or Magistrates Courts immediately. The court gives a committal Court Order. If the baby's parents or relatives cannot be traced someone has to be found to give the innocent baby the care it needs preferably, one who is herself in need of a baby.¹²

by close relatives. Custom in some communities¹³ demand that if a girl is made pregnant by a relative, nobody should ever want to see the baby. The baby cannot even be delivered at home. Traditional institutions such as customary fostercare and traditional adoption cannot help here. The mother of the child may not be able to maintain the child. Adoption offers the best hope for the infant.

Orphans:

It is rare to find that orphans are offered for adoption in African societies. This is because of the extended family system we have. There is almost always some relative who will sympathise with an orphan and take care of him. However, cases arise where for reasons including the cost of living no relatives are willing to take care of an orphan till adulthood. Sometimes orphans are treated as badly as unpaid servants. The best hope for such a child would be to have someone who is as much in need of a child to love and care for as the child is in need of a parent to love and care for him. The institution of legal adoption enables these parties to meet their needs.

Unloved, Illtreated Children of Living Parents - Cruelty:

It is unnatural, but there are parents who for various reasons do not want to take proper care of their children. Most of these irresponsible parents are single employed girls in urban areas. Mututhu wa Kahuho¹⁴ rightly reports that, "mistreatment of children is more common among single women than married couples. Some hate their children because they interfere with their freedom of movement, when they want to have a good time and do not want to discourage men friends by revealing that they have children. Cases of child cruelty are more common in urban areas than in rural homes. In rural areas parents who mistreat their children are reprimanded by elders or relatives which is not the case in towns". There are extreme cases of child cruelty which call for adoption.¹⁵

Incapacity of Parents:

Contrary to the present spirit in the African Society, the commission¹⁶ reported that due to poverty, imprisonment, mental or physical, there are parents who "simply because they care for their children so much, feel that they will have better hope for the future if adopted by others who can and will do more for them than the parents can do." With / disability,

due respect to the commission report, I submit that my interviews either with any class or members of the public and with Adoption Officers did not reveal that such cases have arisen. What still happens in our societies is that when a parent is under a disability, members of the society both relatives and non-relatives sympathise with the situation and take care of the children of disabled parents, together with their parents. Disability of parents will be one reason to offer children for adoption in later years due to the disintegration of our customs. Presently, however, officials of the responsible authorities¹⁷ deny this.

A child comes into our world innocently having made no decision of its own to do so. It deserves, the love and care of parents. When for economic, social reasons enumerated above, a child cannot get this attention it becomes absolutely necessary to have institutions like legal adoption to take care of him.

The need for an institution such as legal adoption has been felt and expressed by a number of educated urban based persons. There has even been a national

call for such an institution to help prevent cases of abandonment and infanticide when mothers decide that they do not want to take care of their children or when they are rendered incapable of doing this. One such call was broadcast over the radio. The call stated inter alia, "one way in which we can prevent the abandonment of infants and infanticide is to provide ... women with a public system through which they can be privately delivered and relieved of those infants they do not want. That way, we will at least save the infant from a horrifying fate and at the same time enable the desperate woman to be free of it without her having to resort, to murder".^{18a}

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Adoption is the best hope for the abandoned child of unknown parentage, the orphan, taboo cases children and neglected children. It is also the hope of childless adults who want children but cannot naturally have them. In Kenya we have institutional foster homes for children. These homes do all they possibly can to care for children but even these homes are not enough. They can only house a very small percentage of needy children. Concerning these homes, the Commission^{18b} wisely observed: ".... a true home which can give the child a real sense of belonging to an identifiable

father or mother is obviously preferable to the comparatively impersonal institutional home".¹⁹

Clarke and Morrison also rightly observed in their book that, "it is a truism to say that home surroundings are infinitely better for rearing children than the life the very best of institutions can provide".^{20a}

Childless Adults:

There are childless adults^{20b} who cannot have children naturally, yet they want children to love and to bring up. They want children who can make them experience the joy of parenthood, children who will be called by their name, and who will take care of them in old age. They want their "own" children who will inherit their property. Adoption is also their best hope.

CHAPTER II

The introductory chapter and chapter one laid the foundation for legal adoption. In this chapter, we shall now examine the procedure which must be followed to make adoption legal, and some outstanding elements in the procedure of adoption.

Arrangement of Adoption:

According to the Act,²¹ only approved adoption societies²² or local authorities or body of persons approved by an adoption society may arrange for the adoption of infants. The adoption societies conduct negotiations with persons who want to give away infants for adoption to ensure such a person understands the effect of adoption as regards his duties and rights as a parent or guardian; they take care and possession of any infant offered for adoption pending arrangements for such adoption when it has facilities and they make enquiries and reports as to the suitability of the infant and the prospective adoptive parents²³.

Infants get to the adoption societies through different channels.²⁴ Most of them are however offered by their mothers. A mother may approach the adoption officers directly or through social workers. Once the

society is approached, a social worker gets acquainted with the mother to obtain her confidence. If a mother is still under eighteen years of age the societies prefer interviewing her parents. At this state, the society's task is to try and persuade the mother or her relatives (if the mother is under eighteen) to keep the child. If the mother and her parents insist that the child must be offered for adoption²⁵ the society takes possession of the child for adoption.

The Adoption Officer and the Mother:²⁶

Before any other steps are taken, the social worker explains the meaning of 'adoption' to the mother. The officer ensures that the mother understands that once she signs a consent form²⁷ she transfers all her rights and duties to the child to his legal parents.²⁸ The officer ensures the mother knows her rights; that she must not sign the consent form until the child is six weeks old;²⁹ that she can apply to the court³⁰ to have the child back provided the adoption order has not been granted; that she can state which religion she wishes the child to follow.³¹

The mother is required not to sign the consent form until the child is six weeks old because she should be very normal to make such an important decision.

Six weeks is considered enough time within which to recover from any psychological effects after delivery.

The mother can apply to the court to have her child back before an adoption order is made because she has more rights than anyone else to keep the child, and because the law does not encourage parents to offer their children for adoption.

The mother is required to state which religion her child should follow because the law requires complete welfare of the child including good religious education. The mother's indication of preferable religion to her child is particularly important where she had begun training him in a particular religious line. The mother's statement as regards religious training for her child is not however binding on the society³².

The Adoption Memorandum:

After the above rights are explained to the mother, the "adoption memorandum" is given to her to read or it is read for her and she acknowledges it. The memorandum explains to the mother that once the court makes an adoption order, all her rights and duties with regard to the child will be permanently transferred to the child's legal parents.³³

The memorandum explains to the mother that an adoption order cannot be made without her consent unless she has abandoned,³⁴ persistently failed to maintain,³⁵ persistently ill-treated or neglected the child or cannot be found or is incapable of giving consent for reasons of insanity.

The Memorandum emphasises to the mother that her consent must be in writing and cannot be given until the child is six weeks old, that she may choose the religious persuasion in which the child is to be brought up, that she may change her mind and get her child back before an adoption order is made by the court. She may apply to the court for leave to remove the child from the care of prospective adopters.

The memorandum restricts the mother from receiving³⁶ or paying³⁷ any money for the adoption. This excludes weekly payments made to the societies for maintenance of children while they are still in the care and possession of the adoption societies. The memorandum explains to the mother that if she had taken out an insurance policy against the funeral expense of her child the insurer will be able to tell her whether after the adoption order is made the policy can be transferred to the adopters if they wish. Attached to the memorandum is a form in which the mother states that she has received, read and understood the memorandum.

The officer maintains contact with the mother. She is not discouraged from visiting the child. She may still change her mind and keep the child. This change of mind is significant and welcome because "every child should be a wanted child".³⁸

Form for Mother Offering her Child for Adoption:

At this stage, the mother offering her child for adoption is given a form requiring some details.³⁹ The form first requires particulars of the child; his name, address, date of birth, or if he is yet to be born expected date of birth. If the child is already born and baptised, the form requires a statement of his place of baptism and denomination.

Secondly, the form requires details concerning the mother; her name, address, race, date and place of birth, her religion, marital status, education, occupation, interests and hobbies, her financial means, details of other children if any, any known defect in mother or father's family and any knowledge in either family having had epilepsy, diabetes, tuberculosis, venereal disease or other mental or physical defects.

Thirdly, the form requires particulars of the father's race, approximate age and religion, a statement of whether he acknowledges paternity, whether he is contributing towards maternity expenses and if so, how much. The form requires details of confinement

arrangements if already made, statement of date, place and name of doctor or midwife. Lastly the form requires statement of why adoption is requested⁴⁰ and the religion she wishes her child to follow.

Significance of Particulars of Natural Parents:

The particulars of natural parents required above are essential because they provide information that may later be given to adoptive parents. Interviews revealed that natural parents are usually very inquisitive and require a lot of details. I was told of a case where a prospective adopter commented, "he must be having brains!" when he was told that the mother of the child was an undergraduate at a University. The mother offering her child for adoption also fills a medical form.

The Consent Form:

When the six week period after birth has elapsed and the mother has not changed her mind about giving the child away for adoption, she is required to sign the Consent Form. The form states the name of the infant as known to the mother and a serial number in place of names of adopters. The form requires a statement that the mother understands the effect of an adoption Order, and the mother's conditional or unconditional consent to the adoption as regards the religion the child should follow. The form is then signed by the officer, Magistrate, Registrar or

Advocate who states that he is satisfied that the mother fully understands the nature of the statements on the form.

Significance of the Form:

The Consent Form may be used as evidence of the natural mother's consent to the making of the adoption Order. And once the mother has signed it, she permanently transfers all her rights and duties to the child to the adoptive parents.

A letter is later sent to the mother informing her when the adoption is granted.

The Adoptive Parents:

Couples⁴¹ who wish to adopt a child approach an Adoptive Society. Once this is done, an officer of the society makes^{an} initial assessment of the applicants. This is to reveal if the couple has a happy stable relationship and have adequate means to keep and educate the child. When a couple qualifies the initial assessment, they are issued with an application form which they must return accompanied by their photographs.

The Application Form:

This form states that a child is placed for adoption to provide a permanent home for him where he will grow up and be a member of a family receiving understanding care, religious training as well as cultural and educational opportunities. The applicants

fill in their names, residential and postal addresses and certify that they have carefully read the above statement and that they make an application to receive a child into their care through the particular society in accordance with the terms so stated.

Investigation into Applicants' Background:

The receipt of this form is followed by a detailed investigation of the applicant's background, to establish their suitability for purposes of adoption. The investigations involve seeing and interviewing the applicants both individually and together and visiting their homes. The home visits are made to find out if the applicants have a good house with essential facilities such as water; to find out ^{the} cleanliness of the home; how much land is owned and what use is made of it; how far the home is from community resources such as school and hospital; the applicants occupation and if they work outside the home, whether there is someone who will take care of the child in their absence. In cases of polygamous families, the home visits involve talking to other members of the family to find out if they support the adoption. This includes finding out the attitudes of the other wives.

The Reference Forms:

The investigation involves getting recommendations from referees. The officer sends private and confidential reference forms to people who know the applicants well.

This reference form seeks details of how long the referee has known the applicants; in what capacity he knows them; details of whether in the referee's opinion, the applicants are suitable persons to take care of a child; details of whether the applicants are of good character; whether their marriage is a happy one and details of whether they enjoy good health.

Medical Report on Adoptive Parents:

This report is obtained from medical form. The a form requires details of the applicants names, sex, race, tribe, date of birth and date of marriage. The main aim of this form is to establish why the applicants are unable to have their own children, or why they want to adopt. The form also requires details of whether in their family they have any history of tuberculosis, diabetes, leprosy, mental illness, epilepsy, sickle cell- anaemia or any other inherited disease.

Similarly the applicants fill another form which includes some particulars⁴² on the medical form and particulars of education, appearance (height, colour) with photograph,^{43a} occupation and name of employer, length of time in present employment, hobbies, residential and postal addresses. The wife is further required to state her nationality at birth, date and place of marriage, whether she or her husband was married previously, whether the wife is divorced, why they want to adopt,^{43b} sex and age of the child she would prefer;⁴⁴ whether she has had a child of

her own. Once the detailed investigation is completed, the parties' application is sent to the case committee⁴⁵ for a decision whether applicants are suitable. The applicants are informed of the committee's decision and if they are considered suitable they are told they will be placed on a waiting list until a child becomes available. Children are never available immediately because the number of applicants always exceed the number of children.⁴⁶

The Child:

It has been discussed how children become available for adoption.⁴⁷ Once they are available, the adoption societies take care and possession of them. These children are usually placed in institutions where they are taken care of at the expenses of the adoption societies and the expense of those who offer them for adoption when they are financially able. When this has been done, a thorough medical examination follows.

Medical Examination:

The Medical particulars form requires the doctor to fill in the child's name, sex, race, date of birth, weight at birth, present weight, whether the child was born prematurely and whether the mother's confinement was normal or instrumental.

The form also requires statement of child's nutrition (Whether it is good, fair, or poor), when the child began to walk and talk; whether the child had any

affection of bones, muscles or joints, paralysis, syphilis, tuberculosis, ears, eyes, skin, nose, throat; whether the child has suffered from measles, chickenpox, whooping cough, poliomyelitis or malaria; whether the child has had fit and the nature of the fits, any evidence of disease of heart, lungs, kidneys or liver; whether the child has been vaccinated or immunised against diphtheria, exposed to leprosy, yaws, bilharzia, trachoma; whether for his age his behaviours, speech, articulation, mental and physical state are normal. If the child is undernourished and neglected, the doctor is required to state whether good nursing and proper care would make it suitable for adoption. This examination is necessary both for the child's own welfare and for obtaining information that must later be given to the adopters.

Adoption Placement:

Once the case committee has approved applicants as suitable and a child is available, the applicants are required to see the child and indicate whether they accept him. If they do, an officer of the society checks whether conditions are suitable at their home so that the child can be placed with them⁴⁸ after a final medical examination. Adoption Law requires that adoption orders be made only in respect of children who have been in the care and possession of the applicants for at least three consecutive months immediately preceeding the date of presentation to the court of the application for the order.⁴⁹ The three

months are a probationary period for the prospective adoptive parents and the child (where possible) to find if they like each other. The applicants are made aware that the child is not yet theirs. Their right to have the child during the probationary period is protected by the law⁵⁰ and no one⁵¹ can take the child away from them without leave of court.

Probationary Period Visits:

In accordance with adoption regulations, an officer of the society visits the applicants regularly to ensure the child is well cared for and to find out what the applicants feel about the child. The officers findings are reported to the case committee. If this committee finds the placement satisfactory, the officer makes another visit to the applicants home to explain to them the procedure for taking the case to court. She advises them to contact a lawyer.⁵² The lawyer files a petition in which he applies for the appointment of the Guardian Ad Litem.

The Guardian Ad Litem:

The appointment of the guardian ad litem is required by the statute.⁵³ He is appointed by the court for the purpose of safeguarding the interest of the child. To achieve this end, he investigates thoroughly all circumstances relevant to the proposed adoption. The Guardian ad litem then makes a confidential report to the court whether the applicants statements

are true. In case of an application by one of the spouses, he certifies whether the other spouse consents and why that other spouse has not joined in the application; he indicates whether the means of the applicants will enable them to bring up the child suitably and whether the applicants understand the effect of an adoption of order. The Guardian ad litem also reports whether the consent of the child's parents has been given freely and with full understanding of the effect of an adoption order. If the child is of an age to understand,⁵⁴ this officer reports whether he wishes the order to be made. Finally, the Guardian ad litem submits whether he considers it desirable for any special terms or conditions to be imposed in the Adoption Order.

Adoption Hearing:

Notice of the date of hearing is sent by the applicant's lawyer to all persons whose consent to the making of the Adoption Order is required, the applicants, the adoption society and the officer who has all along dealt with the case and the Guardian ad litem. All of these people may appear before the judge. The applicant's identity remains confidential from those whose consent is required for the making of the order. The proceedings are heard and determined in Chambers,^{55a} for the purpose of ensuring the confidential procedure in adoption cases. Once an Adoption Order is made by the court, the child is after the order, adoption and thenceforth belongs to this adoptive parents. The lawyer arranges to obtain a new birth certificate

which is sent to the couple.^{55b}

Supervision After Adoption Orders:

Supervision of the adoptive family continues after the adoption Order. This supervision is however carried out tacitly, for the adoptive parents want to forget the fact of adoption. The supervision is often done by a third party, a health visitor or an officer of a clinic who is not told that the child is adopted.

Questions Arising in the Procedure of Adoption:

Who May Adopt?

Adoption Order can be made in respect of an applicant, (or in case of a joint application where one applicant) has attained the age of twenty-five years and is at least twenty-one years older than the infant.⁵⁶ The law restricts applicants, in respect of age primarily in the interest of the infant's welfare. The infant is to be provided with a home where he will grow up receiving understanding, care, religious training as well as cultural and educational opportunities. These are heavy responsibilities which can only be effectively carried out by mature persons.

Similarly the Act allows either the father or the mother of the infant to adopt him.^{57a} Adoption in this case ensures security in relation to the child and the parent who has adopted him. The other parent cannot later come and claim parenthood. Since every child

should be a wanted child; it is a welcome move for a child's parent to adopt him.

The Act also allows a relative^{57b} of the infant who has attained the age of twenty one years to adopt him.⁵⁸ This is in line with public opinion and the extended family system in our society. A child belongs to his community or clan. When for some reason his parents cannot take care of him, his society and particularly his relatives should not let "stranger" take him away.

Restrictions on Who May Adopt:

The Act restricts the making of an adoption Order in favour of a sole applicant who is a male. Reason for this restriction was well stated by the Commission,⁵⁹ " Men who have not been disposed to marry are not likely to be able to make suitable homes for children ... even widowers are ill qualified by themselves to take care of small children". The court may however make an adoption order in favour of a sole male applicant when it is satisfied that there are special circumstances which justify an exceptional measure.⁶⁰

The Act also restricts the making of an adoption order in favour of a spouse or spouses of a polygamous marriage.⁶¹ The Court may only make such order where exceptional measures justify it. A child adopted in a polygamous family risks mistreatment⁶² either by the other wives of the marriage or the natural children of the home.

Finally, the Act restricts the making of an adoption order in favour of an applicant who is of a different race from the infant.⁶³ Although loved by his parents the child may later find he is treated as an unwelcome stranger by the society of the adoptive parents.⁶⁴ This is likely when the child is later taken to some country where there is racial discrimination. The fear that children adopted in Kenya may later be subjected to such cruelties as racial discrimination is reflected in the Act⁶⁵ which states that an Adoption Order shall not be made unless the applicant and the infant reside in Kenya. All these restrictions are made to ensure the infant's welfare is safeguarded.⁶⁶

Who May be Adopted?

The Adoption Act provides for the adoption of any infant who is resident in Kenya.⁶⁷ Adoption of adults known to Roman Law is not provided for by Kenyan Law. Interviews revealed that some few people have approached adoption societies seeking to adopt adults.⁶⁸ This is however unnecessary. As the Commission rightly observed, " ... legal adoption of an adult is a somewhat meaningless conception, ... the essence of adoption is creation of legal rights and obligations as between adopter and child, and there are no such legal rights or obligations other than the right of inheritance after a child has come of age. If such is the only purpose of the proposed adoption, the same result can be achieved by the adopter making a will."⁶⁹

Consent:Whose consent is Required? When May the Court Dispense with a Person's Consent in Adoption Procedure?

Every person or body who is a parent or guardian of the infant or who is liable by virtue of any order or agreement to contribute to the maintenance of the infant is required to consent to a proposed adoption.⁷⁰ Consent is also required of the father of an illegitimate infant who has acknowledged paternity and is contributing towards the maintenance of that infant.⁷¹ Similarly, the Act requires consent of the parents of the mother in case of an illegitimate infant whose mother has not attained the age of eighteen years.⁷² Finally, the Act requires consent of the other spouse where only one spouse has made an application to adopt.⁷³ Consent of other relatives⁷⁴ is not required. Usually relatives oppose adoption but remain unwilling to take care of an infant.

The court's power to dispense with the consent of any person to the making of an adoption order is exercised according to an expressly stated paramountcy of interests. The interests of the infant come first, interests of parents and relatives follow and lastly come the interests of the applicants.⁷⁵

The court may dispense with the consent of a parent or guardian if it is satisfied that he has abandoned, neglected, persistently failed to maintain or persistently ill-treated the infant or that he has failed to exercise

the normal duty and care of parenthood in respect of the infant.⁷⁶ In one case,^{76b} failure to exercise the normal duty and care of parenthood was interpreted to include the natural and moral obligation to show affection towards and maintain an interest in one's child as well as the legal duty to maintain them financially.

Secondly, the court may dispense with the consent of a person who is liable by order or agreement to contribute to the maintenance of the infant if he has persistently neglected or has refused to make the contribution.⁷⁷

Thirdly, the court may dispense with the consent of a person who cannot be found or is incapable of giving his consent, or one whose consent is unreasonably withheld.⁷⁸ A person cannot be found for instance where she is written to using the last known address, when advertisements are made but she cannot be found. One case⁷⁹ gives an example of when one is incapable of consenting. This case involved a situation where a child illegally escaped to England from a totalitarian régime and any attempt to communicate with his parents could have been dangerous for them. The parents were therefore incapable of giving consent. But, the phrase 'incapable of consenting usually refers to mental incapacity.

The test for determining one whose consent is unreasonably withheld was given by an English court in a recent case,⁸⁰ the court stated, "a reasonable mother --- gives great weight to what is better for the child. Her anguish of mind is quite understandable but it may still be unreasonable for her to withhold her consent. We must look and see whether^e it is reasonable or unreasonable according to what a reasonable woman in her place would do in all the circumstances of the case".

Lastly, the court may dispense with the consent of the spouse of an applicant for an adoption order if it is satisfied that the spouses have separated and are living apart and that the separation is likely to remain permanent.⁸¹

Non-Payment of Fees:

To prevent the disgraceful trade of selling and buying of infants, the Act prohibits payment of fees in adoption arrangements.^{82a} It is an offence for any person, adopter, parent or guardian of an infant or adoption agency to give or receive any payment or reward in connection *with* adoption arrangements. Contributions made towards expenses of an Adoption Society for the maintenance of infants placed at the disposition of the society are however excepted^{82b} as are payments specially sanctioned by the court or made to an advocate who acts for any party in connection with an application for Adoption Orders.^{82c}

Confidentiality:

The entire adoption procedure is strictly confidential.^{82d} Any documents and information relating to the adoption or proposed adoption of any infant or relating to the parent or guardian of any such infant is regarded and dealt with as secret and confidential, by every member and officer of the Adoption Society and every person having any official duty or employed in the administration of the Act.^{82e} All adoption proceedings are heard and determined in chambers. Identities of applicants and natural parents are kept secret and Guardians ad litem keep all information confidential.

I think the feature of confidentiality in Adoption procedure is significant and very essential to in Kenya where the institution of adoption is largely regarded unfavourably. Public opinion usually demoralises adoptive families.^{82f} Lawrence Donovan rightly observes that, "confidentiality is designed to allow the adopting parent to build a psychological relationship with the child without the fear of being regarded as baby sitters for some other ... and to eliminate the fear that the child will be torn between his loyalties during his formative years. Confidentiality is one way to ensure the creation and maintenance of a stable, warm, accepting environment, a setting that is appropriate to the child's physical emotional and psychological needs."^{82g}

All requirements in the Adoption procedure, requirements of details about applicants and the infant, restrictions on who may adopt, appointment of independent persons as guardians ad litem, courts power as regards dispensing with consent, non-payment fees for adoption and the element of confidentiality, all these are for the purpose of safeguarding the welfare of the infant.⁸³

CHAPTER III

We have seen in the foregoing chapter that the law requires a rigorous detailed adoption procedure for the purpose of safeguarding the welfare of the child. The child's interests are paramount to all other interests mentioned in the Act.^{83b} In this chapter, we shall discuss some very outstanding legal effects of adoption Orders. The chapter will also indicate the development of the law of adoption from the colonial era to date.

Legal Effects of Adoption Orders:

Once an adoption Order is made all rights, duties, obligations and liabilities of parents or guardians of the infant in relation to the future custody, maintenance and education of the infant extinguish. The law thenceforth vests all such rights, duties, obligations and liabilities in the adopters. All rights and duties become exercisable by the adopters and enforceable against them. The relationship between the adopter and the infant becomes that of parent and child as if the child was born to the adopter in lawful wedlock.⁸⁴

Marriage:

For purposes of marriage, the adopter and adopted child are deemed to be within the prohibited degree of consanguinity.⁸⁵ This relationship is maintained whether some other person other than the adopter, adopts the infant under a subsequent order.⁸⁶

Compensation:

Once the adoption Order is made, all laws apply to parents and child as if their relationship were a natural one. The Adoption Act⁸⁷ provides that for purposes of workmen's Compensation the adopted child shall be deemed to be a member of the family of that workman, and the adopter shall be deemed to be the parent of a deceased workman whom he adopted as a child.

Orders or Agreements to Contribute:

Similarly, an adoption Order extinguishes any order, degree of agreement whereby the natural father of the infant is required or has undertaken to make payments specifically for the benefit of the infant who is born illegitimate.⁸⁸ Where the illegitimate infant is adopted by single mother, such payments made by the father cease to have effect only when the mother subsequently marries.⁸⁹

An order made in respect of an infant committed to the care of a fit person or an approved society or an appointed local authority under the Children and Young Persons Act⁹⁰ is similarly extinguished once an adoption Order is made.⁹¹

Succession to Property:

The act emphasises that an adoption Order results in the treatment of an adopted child as a child born to the adopter in lawful wedlock for all purposes of settlements or testamentary or intestate succession.⁹² The

Law of Succession Act 1972,^{93a} also gives the adopted child the same rights as the natural child, including the right to challenge a parent's will which does not provide for him.

An adoption Order made in another country has the same effect as an adoption Order under the Kenyan Act if its effect according to the law of that country is substantially the same. Under the present law of Kenya, the nationality of a child is not affected by this adoption.^{93b}

Good Care and Discipline of the Child:

As already stated above, the adoptive parents acquires the status of a natural parent once the order is made. The law enjoins him to take good care of the infant and to discipline him.⁹⁴ The Children and Young Persons Act prescribes penalty for wilful assault, ill-treatment, neglect, abandonment or exposure to such treatment of children in any manner likely to cause them unnecessary suffering, or injury to health.⁹⁵

A person having custody, charge or care of a child, is deemed to have neglected him in a manner likely to cause injury to health if he has failed to provide adequate food, clothing, medical aid or lodging to him. As regards discipline, the law upholds the right of the parent or any person having lawful control of the child to administer reasonable punishment to him.

Care of the Child in Case of Death of Parent:

According to the the Guardianship of infants Act,⁹⁶ on the death of one of the infants parents, the surviving parent alone or jointly with a guardian appointed by the deceased shall take care of the infant. If the guardian appointed by the deceased dies or refuses to act, the court may appoint another guardian to act jointly with the living parent.⁹⁷

Custody of Child During Judicial Separation or Divorce:

In case of a judicial separation or divorce of the parents of an infant the court only makes an order of custody that is beneficial to the infant's welfare including his education and upbringing. The present position is that the adopted child is treated by Kenyan Law in all respects as the natural child. Scanty case law available shows that this has not always been the case in Kenyan law. Cases reveal that there was a lot of uncertainty concerning the status of the adopted child during the colonial era.

Status of the Adopted Child During the Colonial Era:

In Exparte Bhagubhai Bhanabhai Applicant,⁹⁸ a deportation order was made⁹⁹ ordering the applicant to be deported as a prohibited immigrant on the ground that his entry into the colony in 1947 was unlawful, because he was not then in possession of a valid entry under the Defence (Admission of Women and Children) Regulations 1940. Regulation (3) item (c) in the schedule to those regulations

permits an immigration officer if he is satisfied that any person is a child under the age of eighteen years of any person who is normally resident or employed in the colony to permit such child to enter the colony. The applicant had been permitted by an Immigration Officer to enter the colony on the ground that he was one of the children of one, Somabhai who was normally resident and employed in Kenya. Some years later the Immigration authorities obtained a deportation order against the applicant on the ground that he was not a natural child but merely an adopted child of Somabhai. There was no evidence as to whether the immigration officer in 1947 had been told of the adoption. The applicant applied for a direction in the nature of habeas corpus¹⁰⁰ discharging the deportation order. The application was dismissed.

In the judgement, it was stated that the definition of children in item (c) of the schedule of the Defence Regulations 1940 meant legitimate issue of the first generation and did not include an adopted child. It was stated that the word 'child' in an act of parliament and presumably in a statutory rule prima facie applies to a legitimate child as against an illegitimate child and that the same principle applies as regards an adopted child. Finally, the court stated, "we are not prepared to hold that child in item (c) of the schedule to the 1940 Regulations include an adoption 'child'.

In Hirji Devchand Ramji v. A.G. of Kenya,¹⁰¹ the appellant was the natural son of Mura Ramji Shah an Indian living in India, and was born there. In 1949, Devchand Ramji Shah a brother of Mura Ramji Shah who had lived in Kenya since 1919 purported to adopt the appellant as his son. The ceremony was held in India but Devchand Ramji Shah was not present. In 1947 Devchand Ramji Shah obtained for the appellant a permit to enter Kenya under the Defence (Admission of Women and Children) Regulations 1940. The appellant entered Kenya. He was under eighteen years old. He had resided in Kenya ever since. In the application for the entry permit Devchand Ramji Shah described the applicant as his child. The appellant applied to the Supreme Court for a declaration that he was a permanent resident in Kenya. His application was refused.

The court did not consider it necessary to find out whether the adoption was valid. The court stated that it had "... doubts as to whether a legally adopted child may be accurately described as the child of the adopter and as a result, doubts as to whether the 1940 immigration Regulations covered a legally adopted child."

The law has now moved a long way from its state during the colonial era, when there was uncertainty in the legal and social status/an adopted child. The /of status of the adopted child is now clear as can be seen in the above discussions and statements of the law.

The clarity, certainty and detailed provisions of the present law of adoption have facilitated the development of the institution of legal adoption in Kenya.

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CHAPTER IV

Chapter three dealt with some legal aspects of adoption in Kenya. We found out that the present law has facilitated the development of the institution of adoption. We shall now examine more outstanding social aspects of adoption and discover what role they play in the development of adoption.

Adaptability of the Adopted Child:to the Society:

An examination of the social aspects of adoption should necessarily include the adaptability of the adopted child in his society as he grows up. A comprehensive report on this aspect is however impossible. This is primarily due to the confidentiality that is required by law in adoption cases.¹⁰² Follow-up of adoptive families to conduct interviews or to observe these children is impossible because adoption officers cannot lawfully give information as to their whereabouts.

General Findings:

Adopted children usually appreciate the fact of their adoption once they know it. A child is told of circumstances under which he was found, abandoned in a toilet, dustbin or thrown away as a taboo case. He gets angry at the cruel unknown person who mistreated him but appreciates his adoptive parents who decided to take care of him.

Texts from America and Britain report that once some adopted children grow up, they develop a wild curiosity to trace their roots, to find their mothers or any other natural relatives. There are as yet no such reports in Kenya but with the adoption institution developing as fast as it does we shall also have such cases.

There are persons who learn about their adoption with resentment. While they appreciate their adoptive parents, they find themselves social misfits. Such cases are common where adopted children grow up and find they are not totally accepted¹⁰⁴ by their communities or when they are reminded of their adoption. Some children also find themselves misfits even in their families because they have failed to fulfil the ambitions of their adoptive parents.

Some children ask to know who abandoned them or offered them for adoption. Once they are told they develop deep hatred towards any class in which that person fits.¹⁰⁵ Yet there are cases of children who learn about their adoption, appreciate it and grow up as normally as any child.

The above reactions can be expected even from persons who are not adopted.¹⁰⁶ We all appreciate those who treat us kindly. We would also be curious to trace our backgrounds. We would find ourselves social misfits in our community if it did not accept us and we would defy persons who remind us of our unfortunate circumstances.

Developing hatred for a particular class of people as in the last case is not common but it happens in circumstances other than adoption and to persons other than adopted people. In the final analysis, adaptability of adopted children to their societies does not have negative effects on the development of the institution.

Public Opinion:

Public opinion is a significant social aspect for the assessment of the success of any institution. Generally, public opinion has been unfavourable to the development of adoption in Kenya. Interviews revealed that a larger part of our population, young, old, rural or urban look at the institution of legal adoption unfavourably. The society has not come to accept legal adoption as part of its general life. Some people call it the "whiteman's" practice". Others call it "child buying" and ask how much a child usually costs. Some display indifference towards adoption and want to have nothing to do with it, although they understand the predicament of homeless infants and childless adults.

There are communities who understand the importance of the institution but feel they have their own institutions to take care of their needs.¹⁰⁷ Moreover, due to the extended African family system many people find solace in the fact that their relative's children would continue to help them fetch water, firewood and later bury them when they die.¹⁰⁸

Interviews with a few willing childless couples in towns revealed that legal adoption was no news to them. One couple told me they had even made an application to one of the Adoption societies. The wife wanted to know if I could talk to officers of the particular adoption society so that she could be placed with a child quickly.

Most young unmarried educated women fully supported the institution of legal adoption. Some of them feared for what the child might suffer after he is adopted, Others feared of their reputation. They feared their relatives would condemn them for 'selling' their children. Most single men I interviewed thought there is nothing wrong with the institution of adoption. Some said it is really the opinion of single women which should matter since it is largely this group who take their children for adoption. One man said, "it is women who know whether we should have the institution, by the time they give birth we people have fulfilled all our responsibilities".¹⁰⁹ Some men vehemently condemned the institution of adoption. They said once women had given birth there were institutions which could take care of their children temporarily, later such women would be in a position to take care of their own children.¹¹⁰

Generally, public opinion has not kept pace with changing conditions. This is largely due to ignorance. Efforts have not been made to legitimise the institution of legal adoption to the masses to popularise it. Those

who do not know about the existence of this institution should know. Certainly, education on the importance of adoption¹¹¹ would result at least in a decrease in the number of children abandoned in dustbins and toilets because those who would commit such offences would know there are adoption agencies ready to welcome their babies and that there are adults craving for children to adopt.

Education of the masses would also help the adopted children in growing up as accepted citizens, not misfits treated with suspicion by their societies. Public opinion need not make the noble institution of legal adoption suffer.¹¹²

Old English cases show that the public and even the courts had not accepted the institution of adoption even at the beginning of the twentieth century. Yet presently adoption is an institution which is part of the general life of the English people. It has not been a practice of the English people for time immemorial. In Humprys v. Polak^{113a} the defendants covenanted to maintain and bring up the plaintiff's illegitimate child as though she were their own and, " forever to relieve the plaintiff of all liability" towards the child. The defendant later refused to continue carrying on the agreement. The mother of the child brought an action for damages for breach of contract. The court held that such an action was not maintainable for the law did not permit such a transference of the mother's rights and liabilities.

That was the position in England at the beginning of the twentieth century. Adoption which involves a tranference of parental rights and liabilities is now accepted. Efforts should be made to legitimise adoption in Kenya, not because what is good for England is good for Kenya, but because we have seen the significance, the achievements of the institution ourselves.

Role of Religion:

Interviews revealed that those who profess christianity and hinduism symphathised with homeless children and childless adults. They felt generally that legal adoption is one way of showing love and care for such children and adults. Those who profess traditional religions had mixed feelings and some devotees of these religions felt that importing such western institutions into Africa was one way of provoking their gods to wrath. They supported the continued existence of traditional institutions. Moslems also agreed that foster homes recognised by islamic law are sufficient.^{113b} Adoption of any kind had never been known in their community. The changing social and economic circumstances are however against conservatism. Education is required for all classes of people since the changing circumstances will in the end win over their attitudes. Foster care is becoming increasingly expensive. Moreover, foster homes can have adverse effects on the development of a child's faculties. A child can be fostered by a very rich family. Later,

he is taken back to his poor family. Such changes are unfavourable for a child.

I II

C O N C L U S I O N

Our discussions in the introductory chapter and chapter two revealed that our cherished traditional institutions such as foster care, traditional adoption and polygamy can no longer satisfactorily serve the needs of homeless infants and childless adults. This is due to the high cost of living and the impermanence and insecurity of these traditional institutions. Discussions in chapter one further revealed that due to its permanence and security the institution of legal adoption satisfactorily serves the needs of childless adults and homeless infants. In this respect, the institution of legal adoption has proved a successful enterprise despite the negative social features such as public opinion and ignorance of its existence that we saw militate against it.

An examination of adoption law in chapters two and three revealed that the clear, certain and detailed provisions of the law of adoption at present has contributed a lot to the success of this institution. The law prohibits the disgraceful practice of buying and selling of infants. The law protects the infants interests by putting them first. The law protects all the parties involved in an adoption case including the natural and adoptive parents by making information and

documents on adoption confidential. Efforts of adoption societies, the lawyers and other persons concerned with the implementation of the law must also be commended.

Analysis of the social aspects of adoption in chapter four revealed that public opinion and certain religious beliefs have militated against the institution of legal adoption. Such unfavourable occurrences exist because adoption is not yet legitimised and popularised to the masses. I think this should be done so that ignorance is eradicated. Legal adoption will then be more successful. The public will then be aware that a warmer welcome awaits unwanted children at adoption institutions than that which they receive in dustbins and pitlatrines.

Education of the masses can take place in rural chiefs communal meetings, at women's craft groups, through English and Swahili Press and through wireless in English, Swahili and the vernaculars. There should be a comprehensive adoption service established throughout the country at provincial and district levels. Institutions that deal with legal adoption will then be made reasonably accessible to any parents or guardians who want to offer their children for adoption.

Interviews also revealed that adoption societies' services are checked by critical financial strains since they largely depend on contributions of individuals

and charitable institutions. The officials of these societies have to travel long distances to carry out investigations and to take good care of infants in their possession. The Government should lend a bigger hand.

Legal adoption has a future in Kenya. It must be totally accepted as part of our societies' general life. If we question its usefulness, we would appear blind to what it has achieved, we would be voices crying in the wilderness against those who abandon children at our door steps, in our dustbins, near river banks and in our pitlatrines. If we reject the institution of legal adoption, we would only be sympathising half-heartedly with childless parents and parents who have children of one sex only. The law gives full support to the institution of legal adoption, The society whom the law is passed to serve should realise this and support their law!

A P P E N D I XQUESTIONNAIRE ON ADOPTION ANSWERED BY
OFFICIALS OF ADOPTION SOCIETIES

1. The roles of an Adoption Society as stated in S.25 of the Adoption Act (Cap.143 Laws of Kenya), are to conduct negotiations, with parents or guardians who want their children to be adopted, to conduct such negotiations with prospective applicants, to take care and possession of infants pending adoption arrangements and to make investigations on the suitability of an infant and prospective adopters for purposes of adoption. S25(f) however states that there may be other duties which the Act does not prescribe, What are these other duties?
2. What would you say are the difficulties the society experiences in carrying out its roles? Should these roles be extended or made more flexible?
3. Are you satisfied with the law of Adoption as it is now? If not, what changes do you consider necessary?
4. What types of people does the society consider suitable adopters? What channels are used to determine suitable adopters?
5. Is more emphasis laid on the assessment of babies or a more careful selection of adoptive parents?
6. Under what circumstances is a child eligible for adoption?
7. Is it true to say adoption is more successful in monogamous homes than in polygamous ones?
8. Would you say chances of success of adoption are greater where adoptive parents have no natural children?
9. Has there been an increase or a decrease in applications to adopt children?

10. For what sex is the demand greater, for boys or for girls?
 11. The Adoption Act restricts the making of Adoption Orders in favour of sole applicants who are males, a spouse or spouses of a polygamous marriage and an applicant who is of a different race from the infant, unless the court is satisfied that there are special circumstances justifying such an exceptional measure. May I know some of the special circumstances which have satisfied the court?
 12. Why does the court not treat as admissible, a document signifying the consent of the mother of the infant, unless the infant is at least six weeks old?
 13. If a child is old enough to know whom he likes and whom he does not like, at the time of his adoption, does the society allow him to make the choice of who should adopt him?
 14. Apart from considerations specified in the Act for instance regarding age, consent of guardians or that of spouses what other factors does the society consider before an application is approved?
 15. Do children sometimes stay in the possession of the society for a long time because adopters are not forthcoming?
 16. Once adoption Orders are made, does the society have a follow-up programme to find out how well the infant is doing with her or his adoptive parents?
 17. What does the society do when an adoption is found unsatisfactory?
 18. What problems do adopted children usually have as they grow up?
 19. Would you consider allowing me to have access to documents or court cases regarding adoption?
 20. Is it possible for me to interview other people for instance a willing adopter, applicant or an adopted child or person?
-

QUESTIONNAIRE ON A ADOPTION TO THE PUBLIC

1. What are your views on adoption in general?
 2. Would you consider giving your child for adoption under any circumstances? *NO. I would marry her off instead*
 3. What would you do if your daughter gave birth to a baby when she is still unmarried and in school? *tell her to drop out of school then disclaim liability!*
 4. Would you consider adopting a child if you did not have your own natural child? *YES*
 5. What would you do if your girlfriend gave birth to your child? *Name him after my father*
-