

**THE SOCIAL AND CULTURAL FACTORS THAT INFLUENCE
LEGAL CHILD ADOPTION IN NAIROBI, KENYA**

BY

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ABSTRACT

The overall aim of the study was to explore social and cultural factors that influence legal child adoption in Nairobi. The specific objectives were to examine the laws, guidelines and mechanisms of legal adoption; to investigate knowledge and attitudes toward legal child adoption and to determine the cultural factors that impede the process of legal child adoption in Kenya. This study was guided by the theory of Symbolic anthropology, advanced by Clifford Geertz.

The study used non-probability sampling techniques including snowballing sampling, convenient sampling and quota sampling, to select a total of 126 participants. 11 key informants were chosen through convenient sampling. 12 prospective and adoptive parents were selected through snowball sampling as recommended by other adoptive parents, associations and acquaintances. Quota sampling was used to select 103 Kenyan women and men, older than 18 years old and who lived in Nairobi in February 2011. In-depth interviews were held with key informants working directly with legal child adoption agencies, government offices and law firms involved with legal child adoption. Semi-structured interviews were used with prospective and adoptive parents. A survey questionnaire was administered to 103 respondents in Nairobi.

The results reveal that Kenya has a clear and defined legal process for adoption. Although the process is legally streamlined and efficient, it is perceived by informants in this study as very difficult to follow and not easy to understand. The informants especially highlight, in a negative way, the legal phase which involves the adoptive parents hiring of lawyers and the court process.

Legal child adoption is perceived as positive. The participants could not, therefore, comprehend the dilemma of having many needy children with people willing to adopt them but deterred by the complicated and expensive legal adoption process. Although participants acknowledged the difficulties of the legal process, they acknowledged the importance of the legal safeguards that the process offers to the adopter and the adoptee. There is also a general preference for legal adoption to foster care.

The study also established that the general public has limited knowledge on legal adoption. Legal child adoption is frequently associated with buying children, making potential adopters shy away from the process. While many people know and perhaps have practiced traditional adoption or foster care at some point in their lives, legal child adoption still carries some stigma. People are, therefore, concerned about the stigmatization on themselves and on their adopted children. These apprehensions on adoption, therefore, make legal adoption a taboo subject that people would not wish to discuss openly.

This study recommends awareness campaigns and sensitization of the public in order for them to understand and appreciate legal child adoption as a way to build a family. Child adoption is a solution for parentless children and also for adults who would like to have children but do not wish to undergo the birthing process. Awareness and education campaigns could start in schools and efforts should be made to make information on legal child adoption accessible to all. Media campaigns explaining where and how people can adopt a child legally and where and how mothers can give up their newborn babies for adoption are also steps towards educating the public on adoption.

LIST OF ABBREVIATIONS AND ACRONYMS

AS	Adoption Society
CCIs	Charitable Children's Institutions
CDS	Children Department's Service
CWSK	Child Welfare Society of Kenya
FGDs	Focus Group Discussions
KKPI	Kenyan to Kenyan Peace Initiative
NGOs	Non-Governmental Organizations
WHO	World Health Organization

CHAPTER ONE

BACKGROUND TO THE STUDY

1.1 Introduction

The Adoption Law was promulgated in Kenya in 1933, as the Adoption Ordinance 1933. This was later replaced by the Adoption Act 1962, and then included in the present Children Act, 2001. The main purpose of Adoption Bill at that time was to ensure that adopted children were treated exactly in the same way as children of natural parents regarding rights and privileges and treated as blood brothers or sisters of the natural children of the adopters. The Adoption Ordinance also set a legal precedent as the preferred legal adoption over traditional adoption, which allowed adoptive children to be taken away from the adoptive parents by their relatives (Kabeberi 1990). In 2001, the Parliament of Kenya enacted The Children Act to establish adoption.

Adoption in Kenya, however, was still practiced prior to the promulgation of the Adoption Law in 1933. In pre-colonial Kenya, there was no legal adoption process as we know it today; customary foster care, traditional adoption, and polygamy satisfactorily served the needs of homeless infants and childless adults (Midega, 1980). Moreover, the cost of living was low and people could afford to feed many members of a family. There were fewer children born out of wedlock and due to the extended family system, children were well taken care of by relatives. At the time people adopted children they were related to. But factors of poverty, HIV/AIDS, illnesses, war, teenage pregnancies, financial difficulties and modern life among others, have modified the concept of communal protection. The community safety net that was relied on to care for children has changed and the extended family is no longer as functional in this regard as it used to be. This has provided ground for abandoned children and consequently, legal adoption.

Kabeberi (1990) argues that adoption may be defined as the legal method of creating a relationship between a child and its adoptive parents. It provides permanent substitute care for the child when his or her own natural parents are unable or unwilling to take care of him/her, and when these parents have been legally freed of any ties to the child (Kadushin, 1971). Adoption as an alternative child care strategy is incorporated in Article 21 of the United Nations Convention on the Rights of the Child (1989), which provides for safeguards ensuring that the adoption process is done correctly and the rights of the child are upheld.

There are about 18 million children in Kenya according to UNICEF (2008), nearly half of the country's population. Almost half a million of them are double orphans, which means they have lost both parents. 64% of all children live with both parents; 20.5% live with their mothers alone and 2.4% with their father alone. The total number of local legal adoptions recorded by the Children Department's Service (CDS) between 2003 and 2008 was 667.

Some reasons why people legally adopt a child are infertility in couples; couples who might have children but want to add more and do not want to repeat the child birth process; altruists who would like to adopt an HIV/AIDS orphan; people who legally adopt a relative to enable the child access benefits offered at work; a single person who does not want to marry but would like to have a child; and/or biological father or mother who does not have legal rights over the child.

There are also reasons that prevent people from adopting. Some people consider legal adoption as un-African ('it is a white man's thing') while some others find adoption stigmatizing as it is considered proof of being infertile. In Kenya, adoption is perceived as child-buying and is, hence, associated with negative connotations. There are also myths that discourage people from adopting, for example, some believe that adopted children may take

away blessings from one's biological children and that when the adopted child grows up he/she will kill the parents.

1.2 Statement of the problem

Although legal adoption is an option for childless parents and parentless children (Kadushin 1971), there is still cultural apprehension towards adoption (Dembroski and Johnson 1969). There are apprehensions such as stigmatization of the parent who is infertile and/or questions on the physical and mental state of the child. Some sources said that infertility is treated as a taboo and it has a profound effect on the self-image of men and women. Both men and women link their ability to have children to their value as human beings.

Gichinga (2002) states that adoption is often not a welcomed idea in Africa. She argues that "adopted children in many of our communities are referred to as 'those who have been bought'". Adopting a child is considered as buying a good and, people do not understand why one of the many children available from the extended family is not taken care of instead.

On the other hand, the hesitation of adopting an unrelated child is reflected in doubts such as what would happen if the child were sick, mad or mentally challenged. There are fears also about characteristics that parents might only know when the child grows up like personality or behaviour. There are also fears such as a child discovering its own mother one day and running away with her (Gichinga 2002).

Legal child adoption is a sensitive, private and controversial topic that involves not only the adopted child and adoptive parents, but also the whole society. Misinformation, attitudes and beliefs can be serious obstacles to adopting a child. This study strives to explore the social and cultural factors that influence legal child adoption in Kenya.

This study sought to answer three research questions:

1. What is the process of legal child adoption in Kenya?
2. What are the social factors that influence legal child adoption?
3. What are the cultural factors that impede legal child adoption in Kenya?

1.3 Objectives of the study

1.3.1 General objective

To explore social and cultural factors that influence legal child adoption in Kenya.

1.3.2 Specific objectives

The specific objectives are to:

1. Examine the laws, guidelines and mechanisms of legal child adoption in Kenya.
2. Investigate social factors that influence legal child adoption.
3. Determine the cultural factors that impede the process of legal child adoption in Kenya.

1.4 Justification of the study

A study of the socio-cultural factors that influence legal child adoption in Kenya and the attitudes towards it shows people's understanding on child adoption and the process in Kenya, while exposing the dynamism in a culture and the social changes which have taken place through time. A study of attitudes towards child adoption also uncovers the knowledge, myths, taboos, cultural apprehension, and social pressure surrounding legal child adoption, and how these might affect the decision of legally adopting a child. The study on attitudes is important because it has a direct influence on behaviour.

Beyond looking at legal child adoption, this study clarifies cultural factors behind having or not having a child in the Kenyan society. This study could be useful to the Children Department's Service (CDS) as it offers important insights Kenyans have on knowledge, information and attitudes on child adoption. Based on this information, CDS could open communication channels and campaign on local adoption, thereby making it more accessible for Kenyans. The findings may be helpful in developing or reinforcing good practices and procedures in legal child adoption.

The findings could benefit the government of Kenya and Non-Governmental Organizations (NGOs) dealing with legal child adoption by helping to uncover misconceptions on legal child adoption. The study could help institutions identify the areas of child adoption procedures that need clarification to the public so as to promote adoption in the future.

The findings may also benefit adoption professionals such as adoption societies, lawyers specialized in adoption and child welfare organization professionals to encourage prospective adoptive parents. The study will therefore inform current and potential adoptive parents of what to expect in the process of legal child adoption, as well as increase the number of people interested in such adoptions.

1.5 Scope and limitations of the study

This study was limited to the socio-cultural factors involved in legal child adoption in Kenya and the attitudes of Nairobi residents toward it. This study engaged Kenyans over 18 years old and from both sexes. The study was held in three areas in Nairobi that represent low, middle and high social-economic income.

At the time the study was conceptualized, I perceived being a foreigner as a limitation because of the sensitivity of working under different cultural attitudes with a potentially to

create room for misunderstandings. Being a foreigner, however, ended being an advantage. Informants were willing to explain in detail Kenyan culture and why they think in certain ways. There were no assumptions on the information from the respondents or the interviewees.

Another limitation of the study was supposed to be accessibility of information. Initially, it was perceived that accessing official data and establishing contact with the study population would be difficult due to the private and confidential nature of adoption. Contact, however, with professionals from organizations and associations working with legal child adoption, facilitated access to other people in the sector. Snowballing proved to be the best tool to contact new informants.

One limiting factor the study found was the scant Kenyan literature existing on this topic, making a comparative study on findings with other studies difficult.

CHAPTER TWO

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.1 Introduction

This chapter reviews the existing literature on different aspects of child adoption, and describes the theoretical framework and its relevance to the study. The chapter also outlines the hypothesis that guided the study and presents the definition of key terms and concepts.

There are two themes that are constantly repeated throughout Africa: the value of children and the importance of kinship. Kenya is no exception. Children symbolize happiness and the economic, social and political status of their parents. Society praises a child for what it represents. Ancestors, help, and continuity: past, present and future. Happy is the person who has children. Happy is the child who belongs to the community. But what happens when adults are not able to produce a child? Or what happens to a child who is orphaned or has been abandoned?

2.2 The legal child adoption process in Kenya

Factors like poverty, HIV/AIDS, illnesses, war, teenage pregnancies, financial difficulties and modern life, among others, have modified the concept of communal protection for the child. The community safety net that was relied on to care for children has also changed and the extended family is no longer as functional as it used to be. This has provided ground for abandoned children and consequently, legal adoption.

Different types of institutions have been established in urban areas in Africa to cater for family members who encounter difficulties in living in the family system. Kayongo-Male and Onyango (1984) state that children who lose parents and end up having nobody to look after them are taken to children's homes or foster homes, or they are adopted. This service, among

others like homes for the aged, approved schools for children with behaviour problems, etc., are dispersed and inadequate vis-a-vis the demand, and "one can conclude that their development, although slow, is in fact following the Western trend", (Kayongo-Male and Onyango 1984).

Adoption as an alternative child care strategy is enshrined in Article 21 of the United Nations Convention on the Rights of the Child (1989) which provides for safeguards and ensures that the adoption process is done correctly, and that the rights of the child are upheld. Adoption provides permanent substitute care for the child when his/her own natural parents are unable, or unwilling, to take care of him/her, and when these parents have been legally freed of any ties to the child (Kadushin 1971). The Children Department's Service (CDS) adds that the child achieves the status as of having been born by the adoptive parent(s). He/she is finally and irrevocably separated from his biological parents and siblings.

Children who are offered up for adoption include orphans, abandoned or neglected children, and those whose parents are unable to care for them (Article 119, The Children Act, 2001).

The permanent characteristic of adoption distinguishes it from foster care. 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, and the fostered child does not have any right to inheritance from its foster parents. Unlike foster care, adoption is permanent and it changes the legal status of the child. Adoption is not paid for (although there are administrative fees from Adoption Societies) and the adopted child acquires all the rights of a natural child including the right to inheritance. Adoption is a permanent solution for a homeless child.

The Adoption Law was imported to Kenya in 1933, as the Adoption Ordinance 1933. This was later replaced by the Adoption Act which is included in the Children Act, 2001. The aims of the Adoption Bill were stated by the then Ministry for Local Government, Health and

Housing (Midega 1980). The main purpose of the debate was to import legal adoption. The aims of Legal Adoption were stated as to ensure that adopted children are treated exactly in the same way as children of natural parents regarding rights and privileges, and as blood brothers or sisters of the natural children of the adopters; to incorporate Adoption Societies which had not been recognized; and to set a legal precedent in preference of legal adoption over traditional adoption, which allowed adoptive children to be taken away by their relatives from the adoptive parents.

In 2001, Kenya enacted The Children Act to establish adoption. Article 119 of the Children Act states that a child is in need of care and protection when he/she has no parent or guardian or has been abandoned, neglected or abused. In order to meet the growing child protection needs, CDS, an office within the Ministry of Gender, Children, and Social Development, was established. The Department deals with creating awareness on adoption, guardianship and foster care and, seeks to work in the best interest of the child. The Government of Kenya is currently promoting awareness in the above topics. Programs like Cash Transfer Programme for Orphans and Vulnerable Children (CT-OVC), managed by the Office of the Vice President and the Ministry of Home Affairs, provide financial support to the households taking care of orphans and vulnerable children.

It would be advisable to analyse how effective these programs are and to look at how agencies and government market child adoption in Kenya as an alternative for childless parents and parentless children.

Before the legal child adoption Law in Kenya was promulgated, however, customary foster care, traditional adoption and polygamy were social mechanisms to meet the needs of homeless children and childless adults. Legal adoption was unknown. Midega (1980) argues that these institutions served well because customary practices were inherent in the people and

the cost of living was low. Besides, there were fewer children born out of wedlock, and even in cases of single parents, their children were taken care of by the extended family system.

Thirty years after the Midega's (1980) study was undertaken, the Kenyan scenario has changed. Aspects like HIV/AIDS, illnesses, displacement, teenage pregnancies, poverty and the influence of modern life on traditional customs have changed the concept of communal protection. This has provided ground for legal child adoption.

According to The Children Act, 2001, only registered adoption societies or people approved by an Adoption Society can arrange for the adoption of children in Kenya. Currently, there are four registered Adoption Societies (AS) in Kenya that work with different orphanages and offer legal child adoption for both domestic and international adoption: Child Welfare Society of Kenya (CWSK), Kenya Children's Home (Thomas Barnardo's house), Little Angels Network and Kenyans to Kenyans Peace Initiative (KKPI).

2.3 Social factors and legal child adoption

A child in Africa means happiness, hope and future (Mbiti, 1971). Children symbolize the economic success of the family unit, blessings from providence, and social power (Kilbride 2000). They are a gift from God (Kayongo-Male and Onyango, 1984) and the means by which the continuation of life is assured (Mbiti, 1971). Furthermore, children are the perpetuation of lineage and a working force when they grow up. They also serve as a safeguard and security for assistance in one's old age (Kilbride, 2000).

Although I am aware that it is too simplistic to generalize a whole continent especially knowing that Africa has about one thousand ethnic groups each with its own distinct social and political organization (Mbiti, 1971), one can see a common trend in the region: The special value of children in society. A child symbolizes past, present and future.

A child is more than a material and social entity as he/she transcends the immaterial world. According to Kayongo-Male and Onyango (1984), the child possesses a supplementary dimension which makes him/her an irruption and manifestation of the sacred, a bridge between the earth and the beyond. He/she has a whole past behind him/her, a past which becomes present once again, making him/her an especially important person.

The past is represented in maintaining the link between the ancestors and the living. Bringing up children serves to perpetuate the family name. The children would eventually be in charge of remembering the dead through maintenance of family shrines (Kayongo-Male and Onyango 1984) or in other simple ways like having a picture in a visible place in their house. According to Mbiti (1971), part of traditional education for children in many African societies is to learn the genealogies of their ancestors. The genealogy gives a sense of depth, historical belongingness, a feeling of deep rootedness and a sense of sacred obligation to extend the genealogical line.

The present is reflected in the child helping the parents with work: boys will help their fathers, and girls will help their mothers in the house chores. Though society is changing rapidly, family values and practices are by no means a thing of the past and they are still widely practiced, particularly in rural areas.

A child symbolizes the future as a supporter of his/her parents when they grow old. Kilbride (2000) explains the Kenyan situation which is replicated in the entire continent: "in a nation where retirement benefits are not routine, most Kenyan parents think of their children not only with feelings of love but also in terms of significant future resources for help in the old age".

Kabiru and Njenga (2007) summarize the value of a child for the parents and the community in the following ways: They are important for the continuation of the family name and lineage; they ensure that the family treasures and possessions are inherited and looked after

through generations; parents gain new status when they get children. They are treated with more respect and are more likely to be consulted in matters affecting the community. In some communities, a family with many children is regarded as wealthy even if it does not have material resources. Children are also valued for the assistance they provide in carrying out household and other chores; children also entertain the family and sometimes they educate other members of the family and bring special happiness and joy to the parents. Their presence gives the parents a reason to live on and acquire property, because they know there are people to use and inherit it.

2.3.1 The extended family

The symbolism of children is closely related to the importance of the family in the African context. It is not surprising that typical greeting exchange of Africa when people meet involves enquiring about the family. Moreover, if the person knows the family, he/she would also ask: how are *my* children? "*My*" expresses a sense of belonging that children are part of the community.

As Mbiti (1971) explains, kinship plays an important role and the birth of a child is the concern not only of the parents but of the many relatives. He further states that nature brings the child into the world, but society creates the child into a social being, a corporate person. It is the community which must protect the child, feed it, bring it up, educate it and in many other ways incorporate it into the wider community.

Kayongo-Male and Onyango (1984) state that the second most important feature of the African family after the larger kin group, is the importance of children to the total kin group.

Traditionally, the society expects that after a man and a woman get married, they produce children. In some African societies, marriage is not fully recognized or consummated until the

wife has given birth. First pregnancy becomes the final seal of marriage, the sign of complete integration of the woman into her husband's family and kinship circle (Mbiti 1971).

As the main objective of marriage is to produce offspring, a childless marriage is thought of as troublesome since marriage seems meaningless without children (Kayongo-Male and Onyango 1984). Adults are not given much respect and sometimes are looked at suspiciously (Kabiru and Njenga 2007).

2.3.2 Parents without a child

When a couple is not able to bear children in some African societies, there are customs to cater for this lack of biological children in a married couple: if the wife is infertile her husband can raise children with another wife, while if it is the man who is unable to produce children, she can have children fathered by another man in the name of the husband. Infertility is defined as the inability to bear any children, either due to the inability to conceive or the inability to carry a pregnancy to a live birth (WHO 2004).

The concept of infertility, especially in a woman, is translated as the end of lineage. When she dies, there will be nobody of her own immediate blood to remember her, to keep her in the state of personal immortality (Mbiti 1971).

Infertility is more than a physical matter. Men and women link their ability to have children to their value as human beings. The conflux of personal, interpersonal, social, and religious expectations brings a sense of failure, loss, and exclusion to those who are infertile (WHO 2004).

These feelings and situation are not exclusive to Africa though. According to a report *Infecundity, Infertility, and Childlessness in Developing Countries* by the World Health Organization (2004), most societies are organized, especially in the developing countries, in a

way that children are necessary for care and maintenance of older parents. It continues to say that even with social support systems in developed countries, children and family are expected to provide much of the care for the elderly.

In some cultural settings in Africa, infertile couples are not even allowed to take a lead role in important family functions and events. In addition, these couples are often socially ostracized by their immediate families (Oladokun Etal 2009).

In modern times and in urban areas in Kenya, the social regulation of a husband having other wives and the wife who gets impregnated in the name of the husband, though still in use, is one alternative among others for having children. Procedures like In Vitro Fertilization (IVF) and legal child adoption are alternatives that individual Kenyans opt for in cases of infertility.

2.3.3 Children without parents

The most significant feature of African family life is probably the importance of the larger kin group beyond the nuclear family (Kayongo-Male and Onyango 1984). The concept of family is not defined only as the immediate family (father, mother, siblings). It goes further to extended family in the name of grandparents, uncles, aunts, cousins, their spouses and children. An extended family could easily have hundreds of relatives.

In traditional Africa, the kinship system regulates most of the social relations. It is the extended family group which constitutes the basic cell of society, the fundamental moral person, and the most educative environment (Erny 1981). Members of the extended family are linked in strong reciprocal support relationships which require responsibilities and rights.

As Erny (1981) notes, lineages and clans have a social, biological and ontological reality not only to subsist but also to perpetuate themselves, cheering and uniting their members and also

giving individuals a sense of belonging and a human status. This sense of belonging, their traditions and beliefs are what really bind people together.

A well-known saying in Africa is 'it takes a whole village to raise a child'. This explains how a child benefits from the input of the whole community. It is not surprising that a child throughout childhood will receive soft punishment from other authorities different from the parents as a way of education. This confirms the belief that the child belongs to the community and it feels responsible for his/her actions and upbringing.

Fostering was traditionally and still is a common feature of African family life (Kayongo-Male and Onyango 1984). Children are often fostered by adult relatives who have no children, to give companionship and help to the lonely adult. There is also fostering as a way of exchange. Children are sent to live for some months or years with relatives, and these children are counted as members of the families where they happen to live (Mbiti 1971). These fostered children know their real parents, but spend most of their lives away from their biological parents (Kayongo-Male and Onyango 1984). Fostering a child from a relative is a common practice in Africa.

Kilbride (2000) in his study of street children in Kenya noted other situations which led to fostering a child. A child born out of wedlock who will often live with his/her mother's parents usually permanently; at the death of one or both parents, a child may move to live with a relative (uncle, aunt) after the funeral; fostering is common also when a child is sent to a 'more prosperous' relative but will visit her/his parents regularly and will eventually return to live with them. Fostering a child is a temporary relationship between a child and its natural parent (Kabeberi 1990).

2.4 Cultural factors and legal child adoption

The Cradle, the Children Foundation (2007) highlights some reasons which lead to adoption. These are childless couples who are infertile; couples who might have children but want to add more and do not want to repeat the child birth process; altruists who would like to adopt orphans due to HIV/AIDS and other factors; people who legally adopt a relative to enable the child access benefits offered at work; a single person who does not want to marry but would like to have a child; and/or biological father or mother who does not have legal rights over the child.

In addition, there are also people who adopt children to exploit them as cheap labour, to claim benefits at work or exploit them sexually. There are also cases where adopting a child is a fashion statement and seen in the same light as buying a commodity.

There are reasons or factors that prevent people from adopting, among them, some people consider it un-African; some people find adoption stigmatizing in that it is proof of being unable to produce children on their own; adoption has been seen as child-buying and hence has a negative connotation; and finally, there are myths that discourage people from adopting, for example, the belief that adopted children may take away blessings from one's own biological children.

The study on Some Legal and Social Aspects of Adoption in Kenya by Midega (1980) revealed that a large part of the Kenyan population look at the institution of legal adoption unfavourably. In her results, she acknowledges that some people call it 'child buying' and white man's practice, and enquire 'how much does a child cost?'

2.5 Theoretical framework

This study was guided by the theory of Symbolism. Symbolic anthropology, emerged in the 1960s and views culture as a mental phenomenon. The theory has two main trends, one is represented by Clifford Geertz (1926-2006) in the United States and the other one is represented by Victor Turner (1920-1983) in Great Britain. Geertz emphasizes on culture as an organized collection of symbolic systems. Turner's in the British structural-functionalist style is concerned with the operation of symbols in the maintenance of society (McGee and Warms: 482).

There are two main premises in symbolic anthropology. The first is that beliefs, become comprehensible when understood as part of a cultural system of meaning. The second is that actions are guided by interpretation. The theory explains that culture does not exist beyond individuals. Rather, culture lies in individual's interpretations of events and things around them. This theory studies symbols and the processes by which humans give meaning to these symbols in order to answer questions about their social environment.

Symbolic anthropologists study cultures and they use a variety of analytical tools from psychology, history, and literature (McGee, 2008). This allows anthropologists to see meanings in different aspects of the culture and to study the role of symbols in the everyday life of a group of people.

Symbolic Anthropology theory is applied to the study of culture and how people interpret their world through common symbols, shape the patterns of their behaviours and give meanings to their experiences. Symbolic anthropology also studies other forms of social organization such as kinship and political organization.

2.5.1 Relevance of the theory to the study

The major focus of Symbolism theory is studying the ways in which people understand and interpret their reality as well as the actions and expressions of the members of their society. This theory is relevant for this study because it helps to understand what people know about legal child adoption in Kenya, where their knowledge come from, and how that knowledge might prevent people from adopting a child.

The theory also helps to explain people's perception and behaviour toward legal child adoption. It helps to explain how the importance of children and kinship in society might affect the legal adoption. Furthermore, the theory is relevant to the study in deconstruct and explain the reasons why people think and behave in a certain way towards legal child adoption, parents and children who are involved in the process. The theory is also pertinent to understanding how people's attitudes may have an impact on the society's view on child adoption.

2.6 Assumptions of the study

In this study three assumptions were derived based on literature reviewed regarding child adoption.

1. The legal process prevents people from legally adopting children in Kenya.
2. Kenyans have poor knowledge and negative attitudes toward legal child adoption.
3. Cultural factors impede legal child adoption in Kenya.

2.7 Definition of terms

Cultural factor: In this study cultural factors that impede legal child adoption mainly include the status of an adult with a biological child, importance of the boy in a family, stigma on the

adoptive child and on the adoptive parent, and the views of prospective adoptive parents in the legal process.

Social factor: In this study social factors mainly include knowledge, beliefs, expressions and attitudes that influence legal child adoption.

CHAPTER THREE

METHODOLOGY

3.1 Research site

This chapter describes the research site, study population, sample population and sampling procedure. The chapter also describes the instruments of data collection and data analysis, as well as problems encountered and ethical considerations.

The study took place in Nairobi, Kenya. The city has 3,138,369 inhabitants living on 684 km², according to the 2009 population Census. The name Nairobi comes from the Maasai words *Enkare Nyrobi* which mean the place of cool waters. The main languages spoken are English and Kiswahili. English is the legal, business and administrative language while Kiswahili remains the *lingua franca*.

Nairobi is close to the Rift Valley. The Ngong hills are towards the west, Mount Kenya to the North and, Mount Kilimanjaro to the south-east. Nairobi is situated at the southern end of the agricultural heartland, 1.19 degrees south of the Equator and 36.59 degrees east of the meridian 70. Its altitude varies between 1.600 and 1.850 metres above sea level. The climate is generally a temperate tropical climate with cool evenings and mornings, and become cold during the raining season (Mitullah, 2003).

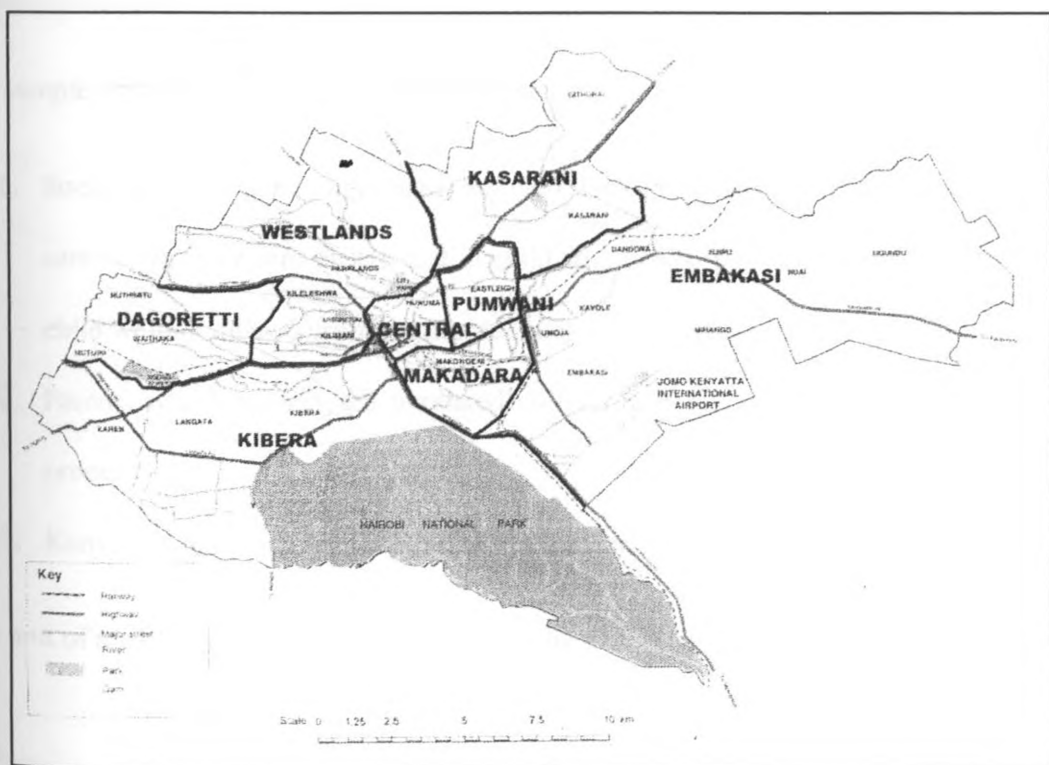
Nairobi is divided into eight divisions and 50 locations.

Table 3.1: Nairobi administrative divisions

District	Division	Location	Area in km ²	Population
Nairobi West	Dagoretti	Kawangware, Kenyatta Golf Course, Mutuini, Riruta, Uthiru-Ruthimitu, Waithaka.	38.6	329.577
	Kibera	Karen, Kibera, Laini Saba, Langata, Mugumo-Ini, Nairobi West, Serangombe.	223.2	355.188
Nairobi East	Embakasi	Dandora, Embakasi, Kariobangi South, Kayole, Mukuru kwa Njenga, Njiru, Ruai, Umoja.	203.6	925.775
	Makadara	Makadara, Makongeni, Maringo, Mukuru Nyayo, Viwandani.	23.1	218.641
Nairobi North	Central	Huruma, Ngara, Kariokor, Mathare, Starehe.	10.7	274.607
	Kasarani	Githurai, Kahawa, Kariobangi, Kasarani, Korogocho, Roysambu, Ruaraka.	86.4	525.624
	Pumwani	Bahati, Eastleigh north, Eastleigh south, Kamukunji, Pumwani.	12.1	261.855
Westlands	Westlands	Highridge, Kangemi, Kileleshwa, Kilimani, Kitisuru, Parklands.	97.4	247.102

Source: 2009 Kenya Population and Housing Census. Volume IA. Kenya National Bureau of Statistics

Figure 3.1: Nairobi Divisions Map 2010



Source: The Comprehensive Primary School Atlas, 2010. Edited by Juanita Malagón, 2011.

3.2 Research design

The study adopted a cross-sectional design involving both qualitative and quantitative methods of data collection. Qualitative methods evaluated socio-cultural factors influencing legal child adoption. Because the subject of the study is humanistic, direct interaction with the population was important in gathering insights and individual experiences. The approach was descriptive and interpretive, bringing together -in a comparative way- fundamental elements in child adoption knowledge.

The study used quantitative methods by administering questionnaires on the informants and in the survey (Appendix 1, 2 and 3).

3.3 Study population

The universe of the study included Kenyans living in Nairobi spread out in the administrative areas of Dagoretti, Kibera, Westlands and Embakasi.

3.4 Sample population

The sample population comprised of three clusters:

1. Social workers, nurses and managers who work in orphanages, rescue centres or foster care homes. Lawyers specialized in child adoption, officials from the government, and child welfare officers from registered Adoption Societies.
2. Parents who have adopted unrelated children and parents who were in the adoption process.
3. Kenyans who live in Nairobi in one of the three social-economic areas.

The unit of analysis was individual women and men above 18 years old who live in Nairobi.

3.5 Sampling procedure

The study used non-probability sampling 126 people participated in the research. 11 key informants were chosen through convenient sampling. 12 prospective and adoptive parents were selected through snowball sampling as recommended by other adoptive parents, associations and acquaintances. Quota sampling was used to select 103 Kenyan women and men, older than 18 years old and who lived in Nairobi in February 2011. The study selected 37 respondents in low income, 34 in middle income and 32 in high income areas. The study chose two main categories to divide equitably the survey population: gender and age. 52 women and 51 men were selected. Each gender was divided by three age ranges: from 18 to 30, from 31 to 50 and, from 51 and above.

Respondents of the survey were approached in one of the three areas in Nairobi that are considered high, middle and low social economic class. In order to select the neighbourhoods the study followed partially Obudho and Aduwo's (1980) division of Nairobi into five residential areas according to income and density population: High class (high income and low population) situated in Karen, Langata, and Upper Nairobi. Middle class (medium income and average density population), represented in Parklands, Eastleigh and Nairobi South. Low class (low income and densely populated areas) found in Eastlands, Mathare Valley and Kibera. Even though for Obudho and Aduwo's (1980), Langata is considered a high income and low density population area, this study considered Langata as middle income; according to the 2009 Census Langata has a population of 19.515 in 31.8 kms².

On social-economic class, 36% of the respondents of the survey live in low income areas. They live in neighbourhoods such as Kawangware, Waithaka, Jericho, Uthiru, Eastleigh and Kibera. 33% of the sample lives in middle income areas like Langata, Buru Buru, Embakasi, Ongata Rongai and Umoja. 31% of the respondents belonged to high income areas and live in

neighbourhoods such as Karen, Westlands, Kilimani, Kileleshwa, Gigiri, Muthaiga and Lavington. Table 4.1 shows the demographic characteristics of the respondents of the survey.

Table 3.2: Socio-demographic characteristics of the respondents of the survey

Variable	Frequency	Percentage
Sex		
Women	52	50.49%
Men	51	49.51%
Total	103	100%
Age		
18-30 years old	35	33.98%
31-50 years old	36	34.95%
51 and above	32	31.07%
Total	103	100%
Marital status		
Single	43	44.79%
Married or living together	42	43.75%
Divorced or separated	6	6.25%
Widow or widowed	5	44.79%
Blank	7	6.8%
Total	103	100%
Level of education		
No formal education	6	5.83%
Primary	21	20.39%
Secondary	28	27.18%
Undergraduate	37	35.92%
Postgraduate	8	7.77%
Other	3	2.91%
Total	103	100%
Variable	Frequency	Percentage
Occupation		
Education field	8	7.92%
Informal	10	9.9%
Student	10	9.9%
Office	17	16.83%
Business	21	20.97%
Other activities	35	34.65%
Blank	2	1.94%
Total	103	100%
Social-economic class		
Low class	37	36%
Middle class	34	33%
High class	32	31%
Total	103	100%
Total	103	100%

Source: Survey of the study

3.6 Methods of data collection

3.6.1 Key informant interviews

Key informant interviews were used to get information from people who have special knowledge on child adoption. They included social workers, nurses and managers working in orphanages, rescue homes or foster care homes in Nairobi; lawyers specialized on legal child adoption; child welfare officers working in Adoption Societies; and officials from the government were contacted. A total of 11 informants were interviewed, using a key informant guide (Appendix 1), the information was recorded and then transcribed verbatim.

3.6.2 In-depth interviews

In the study semi structured questionnaire with open-ended questions was used to collect data from adoptive and prospective adoptive parents who were in the process of adopting a child. This method was used to explore opinions on legal child adoption, the emotional processes which informants had been through and to identify if their attitudes had changed after adopting a child. Informants were asked to answer a set of questions that related to the research questions. A total of 12 informants were interviewed (Appendix 2).

3.6.3 Survey

Survey method was used to collect quantitative information about people's perceptions, knowledge and attitudes toward child adoption. A standard questionnaire with close-ended multiple choice and open-ended questions was administered by two research assistants to 103 respondents. The questionnaire was written in English and Kiswahili to take care of respondents who did not speak English (Appendixes 3 and 4). Respondents were approached and recruited on the streets of Nairobi in February 2011.

3.6.4 Secondary sources

The study also relied on secondary data from books, journals, government official publications, international organizations' reports, internet reports and, theses and dissertations on child adoption of the University of Nairobi.

Key informant interviews, in-depth interviews, survey and secondary sources have been integrated to understand and explain the technical information on the legal procedure and the practical experiences from people involved in the process of legal adoption. The four methods have been triangulated to explain the social and cultural factors that influence legal child adoption in Kenya.

3.7 Data processing and analysis

The data collected was quantitative and qualitative. The content of qualitative information was analysed thematically. This involved transcription, organization, interpretation and analysis of the information recorded. Direct quotations, verbatim quotes and selected comments from the informants were used to inform the findings. Quantitative data obtained through the survey was categorized, arranged and analysed using Excel. The quantitative data has been presented in frequency tables and bar charts.

3.8 Ethical Considerations

Informed consent was obtained from the participants and only willing participants were interviewed. They were briefed about the objectives of the study and its use in academic area. Participants were informed that interview proceedings would be voice recorded for the interest of the researcher, and that access to the recordings would be protected. All the informants agreed and interviews were recorded and later transcribed verbatim.

This thesis has guaranteed high standards of confidentiality by omitting the names of the informants. Questions were unobtrusive and culture sensitive to further reinforce ethical considerations.

The study was conducted in full knowledge and consent from the Ministry of Higher Education through the National Council for Science and Technology (NCST).

3.9 Problems encountered in the field and their solutions

The initial plan of the study was to conduct two Focus Group Discussions (FGDs) with parents who have either adopted or are in the process of adopting children. Each group was to consist of six participants. Initial contact with an Adoption Society (AS) was then initiated in order to ensure that the FGDs could be conducted through them. But last minute changes, however, only made it possible for the researcher to join a counselling session with the parents and did not hold the FGD with them.

When parents in the session were requested to meet afterwards for the FGD, some declined for personal reasons and others just ignored the suggestion. Later, contact with one association of adoptive families was made. They were requested to participate in a FGD but declined, though they accepted to administer the questionnaire.

To overcome the challenge, 12 private interviews were carried out with prospective and adoptive parents.

CHAPTER FOUR

THE LEGAL PROCESS OF CHILD ADOPTION IN KENYA

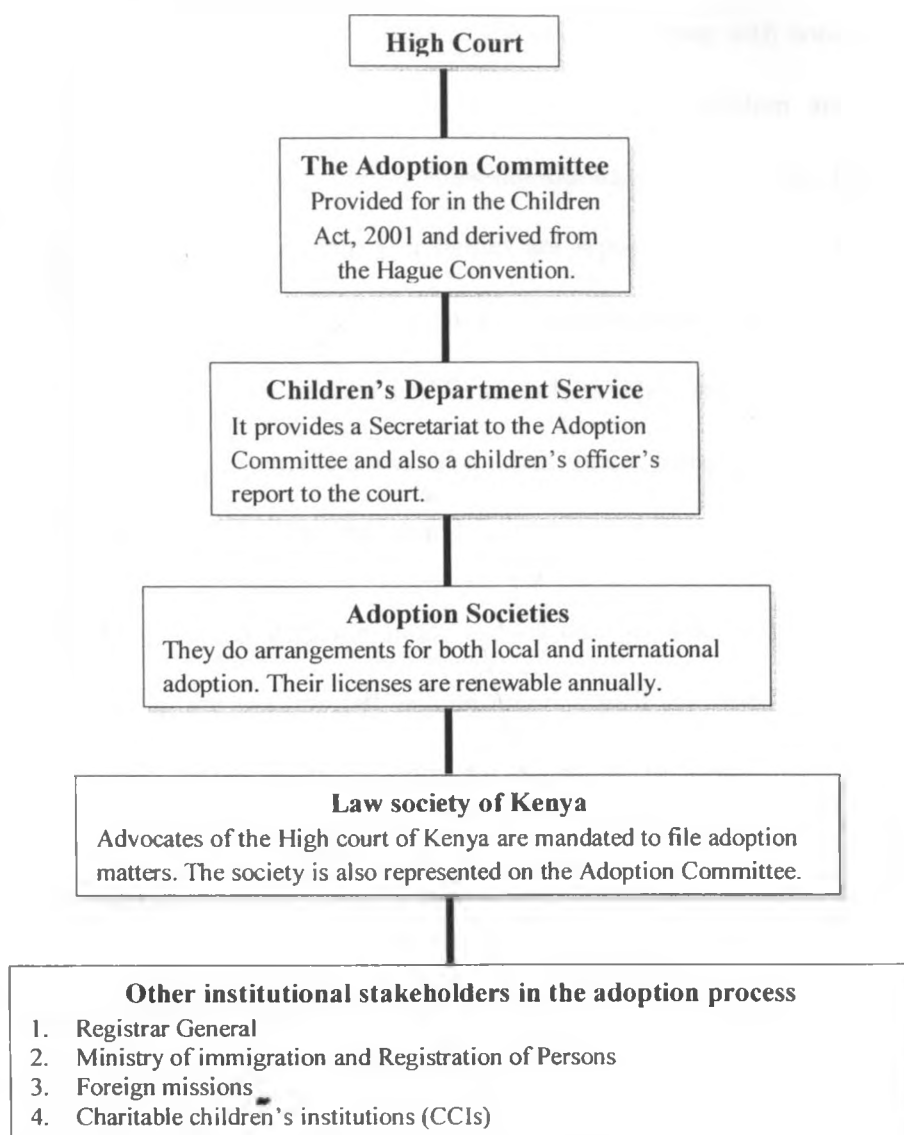
4.1 Introduction

The chapter presents the findings of the study on child adoption in Kenya as revealed by the qualitative and quantitative data. It explains local legal adoption process.

4.2 The legal process of legal child adoption in Kenya

In Kenya, adoption legislation is under The Children Act, 2001; The Children (Adoption) Regulations, 2005; and the Hague Convention on Protection of Children (1993). The Children Act, 2001, under part XII makes provisions for adoption and The Children Regulations (2005) provides the guidelines on the adoption process. The purpose of the regulations is to give effect to the Act by making rules for the appointment of authorities to carry out obligations under the Act, and provide for regulation of Kenyan adoption orders. In addition, the country became a state party of the Hague Convention in 2007 with respect to international adoption. The jurisdiction for making adoption orders rests strictly with the High Court, which also deals with family issues and other matters. The Adoption Secretariat, under the Ministry of Gender, Children and Social Development manages and regulates matters of adoption in Kenya. Figure 4.1 shows the institutions involved in child adoption in Kenya.

Figure 4.1: Institutions (in order) involved in child adoption



Source: Ministry of Gender, Children and Social Development, website www.gender.go.ke

4.2.1 Stakeholders in legal child adoption

Different protagonists are involved in the process of legal adoption in Kenya, among them are children, prospective parents and Adoption Societies (AS). Whereas not all children who are offered for adoption in Kenya are parentless, not every child who is in a children's home can be adopted. Kenya has clear rules on who can be adopted. Abandoned and offered children can only be free for adoption after legal procedure by an AS.

An abandoned child is one who has been left alone by his/her parents and is found generally in public places by good Samaritans or police officers. Interviews with social workers and administrators of children's homes revealed that, abandoned children are often left in hospitals (usually after delivery, the mother abandons the baby), pit latrines, forests or police stations. Reasons why people abandon their babies are reported to be due to economic and health factors, unwanted pregnancies and incest. Cultural practices, social workers explained, also account for a number of abandoned children, such as when the girl gets pregnant from another tribe or when getting twins is considered a bad omen. Instead of killing them, as was the practice in the past, they prefer to abandon the child.

To abandon a child can be a decision made out of despair when alternatives seem very limited. However, there are options but people are not well informed about places where parents can safely and legally offer the baby for adoption. In Kenya, these places are the Adoption Societies.

On the other hand, people offer up children for adoption for much the same reasons as those children who are abandoned. The difference is that the mother of the offered child might share her situation with people who are able to help her and her case is not hidden. In some cases, she also has the support of someone close to her.

According to Ouma (2008), in Kenya, most children available for adoption are largely those who have been abandoned and whose parents cannot be traced or those whose parents gave them up for adoption either due to inability to provide adequate care and/or because the child came through unwanted pregnancies. Ouma argues that societal attitude brand these children as illegitimate and, hence, the stigma that follow them to adoption.

The next stakeholder in child adoption is Adoption Societies (AS). The Children Act, 2001, states that only registered AS can arrange for the adoption of children in Kenya. AS are Non-

Governmental Organizations (NGOs) registered under the Ministry of Gender, Children and Social Development that deal with the children who are up for adoption and with the families who wish to adopt. Only an AS can declare children free for adoption.

There are currently four registered AS in Kenya that handle local and international cases: Child Welfare Society of Kenya (CWSK), Kenya Children's Home, Little Angels Network, and Kenyan to Kenyan Peace Initiative (KKPI). An AS has partnerships or working relationships with close to ten children's homes around the country.

Before the Adoption Committee in the government was put in place in 2005, orphanages used to place children for adoption but that was discouraged. Interviews with AS revealed that at that time there was not much of the social work and investigation in the process and as a consequence there were people taking advantage of the system.

Child trafficking cases in the name of adoption were on the increase. Processes that were initiated as an adoption ended in child trafficking internationally or to a Kenyan family. The government then decided to work on measures to ensure that children would be legitimately adopted. *"The government makes sure that the adoption process is in the best interest of the children and that they are adopted for the right reason"* an AS officer explained.

Results from interviews and the survey of this study revealed that the general perception of the participants was that a child can be adopted from a children's homes. Majority of respondents of the survey reported that if they wanted to adopt a child they would go to an orphanage, rescue home or/and foster care home.

The third stakeholder in child adoption is the prospective parents. It is important to note that it is not accurate to conclude that only adults without children opt for adoption. During a counselling session for parents who are in the process of adopting children in one of the AS, it

was clear there were a variety of reasons behind the desire to adopt. Among them was a couple who had two biological children: a girl and a boy, but wanted an adopted child; two single (unrelated) ladies in their forties who had developed their career and were not interested in getting married or giving birth; a young married lady without children who had waited a long time to get pregnant and; a middle aged childless couple unable to conceive. This confirms that adoption is not exclusively done by infertile parents or childless parents.

4.2.2 Prerequisites for legal child adoption

The Children Act, 2001, sec. 158, provides standards for people who wish to adopt a child and for the child who will be adopted. Individuals or couples can apply alone or jointly to adopt a child, but at least one of them must be at least 25 years old; be at least 21 years older than the child and not older than 65 years. A relative can also adopt the child. A mother or father of the child who does not have legal parental rights over the child may also adopt the child.

Unless under special circumstances, there are groups of people who are not allowed to adopt children by law: a single man cannot adopt a girl; a single woman cannot adopt a male child; an applicant or joint applicants who are 65 years and above and, a single foreign woman cannot adopt in Kenya.

According to informants there is an increasing trend of Kenyan single and middle aged women who are adopting children. A social worker in an AS reported that single applicants comprise about 30% of all the requests received. Males, however, are not as frequent as females as single applicants. Since the law allows single women to adopt only girls, there are more boys left at the children's homes available for adoption.

The law is very clear as well about who shall not adopt a child under any circumstances. An adoption order cannot be given if one or both applicants is/are not of sound mind as defined by the Mental Health Act, 1989; if an applicant(s) has/have been charged and convicted of sexual offences, physical or mental offences against children or offences touching on harmful cultural practices; or if the candidate is a homosexual. In the case of joint applicants, if they are not married to each other; or if he is a sole male foreign applicant. The court can also refuse to give an adoption order, even if a person qualifies, if it is not satisfied that the process is in the best interest of the child.

There are also conditions for a potential child to be adopted. For instance, any arrangement for adoption must be started when the child is at least six weeks old and has been declared free for adoption by an Adoption Society (AS). The Kenyan law states that any child resident in Kenya, whether national or not, can be adopted. The child and the person seeking to adopt must have been evaluated and assessed by an AS. A child to be adopted must have been in the continuous care and control of the person seeking adoption for at least three months prior to applying for adoption. There are more conditions for international adoption but they are not relevant to this study. Though the legal conditions are strict, they are in the best interest and welfare of the child, because when parents' or legal guardians' responsibility of bringing up a child lacks, the state has the obligation to ensure the child is well brought up.

4.3 The social and legal phases of local child adoption

The adoption process in Kenya has two phases: the social and the legal phases. Overall, informants said, the whole process can take around one year on average.

In the social phase of the legal procedure, the prospective parents (or single potential parent) request an appointment with a social worker at an AS to enquire for adoption. The social worker informs the prospective parents about the meaning of adoption, its implications and

processes. If the applicants meet the requirements given by the law, then an application form will be issued. The applicants need to provide supportive documentation.

Table 4.1: Requirements for local adoption by an AS

Documents prospective parents must attach with the application

- Recent document, full length and coloured photos of each applicant.
 - Application letter to the AS.
 - Letter from proposed *guardian ad litem* and ID.
 - Copies of ID and birth certificates.
 - Copy of marriage certificate where applicable.
 - Copies of most recent pay slip (s) where possible.
 - Return the medical form dully filled and signed by medical practitioner.
 - Copy of most recent bank statement where possible.
 - Reference letter from your religion of affiliation.
 - Copies of land title deeds, share certificates or any proof of ownership of assets or property.
 - A letter from a friend and another from a family member supporting the adoption.
 - Certificate of good conduct.
-

Source: Adoption Society

Upon return of the application form with attached relevant documents, an appointment for the home visit is made. The objectives of the visit are to find out where the child will be living; to assess and to determine suitability of the accommodation for the child; and to interview the other members of the family. Once all this information has been gathered, it is submitted to the Adoption Case Committee that approves, rejects or defers the case. The Adoption Committee is part of the AS though they are not employed by the AS. In the event that the application is deferred or rejected, reasons for the same will be given in writing.

For those approved by the Adoption Case Committee, a session of professional counselling must be undertaken. Upon approval, a child is identified for the applicants according to their preferences from children's homes who have partnerships with the AS. Selection of babies by

prospective parents is not legal. A lawyer explained that the reason for this is because pre-selection discriminates against babies who may not satisfy the requests of the parents.

A social worker of a rescue centre reported: *"the Kenyan law states that all children have an equal chance to get adopted. If people are allowed to come and see the children, they would only choose the better looking children..."*

A social worker of a children's home, however, had a different experience and explained: *"we work with all the AS and not all work in the same way. We have those agencies [AS] that allow parents to come to the home and we show the available children. For example, if they want a girl and we have girls within the age that they want, it's upon them to identify from the file. But we have other AS who come first with the adoptive parents' photo and then they match the child with the applicants. So when they come to the home they know that they only need to look at two or one from the file".*

The AS will, nonetheless, ask the prospective parents interested in adoption what they are looking for in terms of skin colour, age, sex and health status, and will match a baby as much as possible with the future parents' physical features, and with the health status they are looking for.

A referral letter must be obtained from the Adoption Society before identification is done. The applicants are then invited to see the child in the children's home and given time to express their decision regarding the child. If the applicants have accepted the child and the child has accepted the prospective parents -as not crying when she/he is with them-, the bonding process starts. The potential parents will be required to make at least six visits to such home over a one or two week period. The reasons for this are to bond with the baby before taking him/her home, to do an optional medical check-up from an independent doctor, and make the necessary preparations to receive the new member of the family at home.

After they have bonded a date is arranged for the child to go to their home. The child then is discharged to the prospective parents who begin the fostering process. This period lasts three months and its purpose is to gauge whether the potential parents are fit to look after the child. They will be under the supervision of the children's home where the baby came from, as well as the AS that vetted the parents. During this time, the social worker visits the parents every month.

A written agreement between the home and the prospective parents is signed with the understanding that the custody is temporary, subject to the court orders and that the AS will make visits to check on the child's well-being. During this care period if there is reason to believe the child is not living under good conditions, the process can be terminated and the child taken back to the children's home. If all the conditions are met, the prospective parents go ahead with the legal process.

After three months of fostering, the parents can start the legal process and are advised to identify a lawyer to file an adoption application in court, although it is legal for the parents to file the case by themselves. Interviews with adoptive and prospective adoptive parents revealed that neither AS nor lawyers explain to applicants the option of self-representation. Application for an adoption order is then filed in the High Court of Kenya.

Although, after the bonding process is over, the parents could start the legal process, interviews with informants revealed that some of them wait for longer periods before going to court. Table 4.3 shows the state of the legal process from the 12 prospective and adoptive parents interviewed for this study in March 2011.

Table 4.2: State of adoption process of the parents of the study

Parents	Time social phase of adoption process began	Current state of process in court (by March 2011)
Single woman, 46 years old	5 years ago	Not yet started
Married woman, 40 years old	3 years ago	Not yet started
Married woman, 25 years old	2 years ago	Not yet started
Married woman, 45 years old	4 years ago	Not yet started
Married woman, 43 years old	4 years ago	Not yet started
Single woman, 44 years old	2 years ago *	Pending
Married man, 52 years old	2 years ago	Pending
Divorced woman, 38 years old	10 years ago **	Pending
	Time adoption process lasted	
Single woman, 55 years old	3 years	Finalized
Married man, 35 years old	1 year	Finalized
Married woman, 49 years old	9 years	Finalized
Married man, 40 years old	(no information)	Finalized

Source: In-depth interview data

* The case of this lady is considered by lawyers as 'complicated' according to her, because she is trying to adopt her cousin's daughter. Her cousin changed her mind in the process and does not want her child to be adopted anymore although she is not able to raise the child up. The prospective adoptive mother insists to adopt the child and has taken her case to another instance in court. ** Since 2005 the process is in hold because the adoptive parents got divorced and they decided to postpone the case.

A lawyer specialized in family law, explained that due to the high and cosmopolitan population in Nairobi, there were more adoptions cases. Besides, adoptions cases are only heard on Fridays while all international adoptions are only carried out in Nairobi, meaning that the Court time table is very congested. In the event that prospective parents are given a child from an orphanage in Nairobi, they are allowed to apply for the High Court session somewhere else.

The lawyer explained his experience with adoption cases, *"there're no legal requirements for the orphanage to appear in court. If there's an issue the judge will summon the orphanage. Though the child was picked from an orphanage in Nairobi we've done adoptions in Nakuru*

or Machakos, near Nairobi. It's faster. Nairobi is quite more difficult because there are more adoptions. In 2010 there were more than two hundred adoptions filed in the High Court in Nairobi! In upcountry courts, for example in Machakos, there were only five. Of course the process is the same. There's no court that gives you a short cut. It's only that the workload is less than in Nairobi".

Social workers of children's homes are, however, of a different opinion and reported that judges in other courts do not allow cases to be transferred, and parents within Nairobi must stick to the High Court in Nairobi. "The judges in the high courts are funny and they want residents from within the district when adopting a child", a social worker from a rescue centre stated.

The next step in the process is the legal phase which takes place in court. The first hearing in court deals with the appointment of the *guardian ad litem*. To protect the best interest of the child during the adoption procedure, any one known to the parents can act as *guardian ad litem*. The guardian then must write a report and file it in court. The Adoption Society's social worker will make a visit to the prospective parents and write a declaration. In addition, a children's officer from the Children's Department Service under the Ministry of Home Affairs, will conduct a home study and also file a report in court. If the case is within Nairobi, children's officer from the Adoption Secretariat will undertake the study, when the case is outside Nairobi, children officers from the District Children's Office (under the Children's Department) will conduct the study and file the report.

At this point the three reports by the Children's Department Service, the Adoption Society and the *guardian ad litem* are considered together. With these reports the court decides and grants (or not) an order. For the purpose of ensuring confidentiality, the proceedings are heard and determined in the chambers in the High Court. Once the court makes a ruling in favour,

the now adoptive parents acquire all rights, duties, obligations and liabilities of a parent over the child permanently, as if the child were born to them. This is inclusive of inheritance rights. On the other hand, the rights, duties, obligations and liabilities of the biological parents are extinguished permanently. The adoption order is absolute and irreversible.

The legal process has safeguards for the child and safeguards for the family. On the side of the child, it gives him/her better protection under the law and better enjoyment of the fundamental rights. On the side of the adoptive parents, one social worker explained in an interview that *“a parent is taking a risk to take a child for life, committing one-self to be with somebody's child for ever. Even if the person [the biological parent] isn't known, to be on the safe side, to be protected that nobody in the future will take the child away from one. The reasons are to be protected, to be secured”*.

Once the court makes an adoption order in favour of the applicants, the now adoptive parents must register the adoption with the Registrar-General, who will then issue an adoption certificate, which is as valid as a birth certificate. The legal process varies in terms of time depending on the court schedule, the lawyer, and sometimes how fast the reports are done and filed in court.

The entire adoption process is strictly confidential. Any documents and information relating to the adopters and adoptees are regarded as secret and confidential by any member or officer of an AS, and every person having any official duty in the administration of the Act. For the purpose of safeguarding the welfare of the child, all adoption proceedings are heard and determined in chambers, and the identity of applicants, the child and natural parents are kept secret.

Adoption is generally undertaken for the good of the child and it is not a sale. There are, however, costs such as home visits and child maintenance that are pre set. An AS interviewed

had set standard costs for assessment, placement and freeing the child amounting to Ksh 12,500. For the legal process, the fee varies and is discussed privately with the lawyer who charges accordingly to the client. On average, lawyers charge between Ksh40,000 and Ksh100,000 for local adoption. Adoptive parents can also opt for self-representation if they are able to prepare the papers for adoption.

According to a lawyer interviewed, *“applicants are aware that they can opt for self-representation, but fear the complex court procedures while generally our judiciary has not been the best in terms of user friendliness. When you go to court and you wish to enquire on an issue people treat you like if you are a bother. So one gives up and leaves the lawyers to deal with it”*.

Contrary to what the lawyer explained, interviews with informants revealed that not all the social workers in Charitable Children’s Institutions (CCIs) – among them children’s homes, rescue homes and orphanages - know about self-representation, neither do the applicants. Most applicants stated that they found out along the process about self-representation, while prior to that nobody had informed them - not even the AS.

A mother of an adopted daughter and three biological children stated: *“(...) as much as you want to represent yourself in court, some judges do not allow that. When asked who told her that, she explained that she heard it from other people, “when we go to these meetings with other parents we share experiences and some parents have represented themselves in court even if unsuccessfully”*.

A father of three adopted daughters reported: *“if you are trying to represent yourself there is nobody to assist with the documents at all. There are no guidelines, support or someone to assist with the information. I wasn’t told of self-representation in court. Everything is left to the lawyer”*.

4.4 Apprehension of the study population towards the legal process

From the interviews, it is established that there is apprehension about the legal process that impinge on child adoption or the potential final decision to adopt. Results from the survey also confirmed this; when respondents were asked why they would not consider legal adoption, 52.4% gave the reason as the legal process. They had concerns about the legal process that is considered long, expensive and in some cases corrupt.

Respondents of the study, especially prospective adoptive parents, associated the legal adoption process primarily to the court phase and approached it with apprehension. The court was perceived to be unfriendly, difficult to approach and busy, leaving a limited time for matters of adoption. According to some informants working with adoption in Charitable Children's Institutions (CCIs), the legal process is tedious, slow and disorganized. The lawyer's fees are very high and the whole process –including AS fees- is expensive for the average Kenyan.

The general opinion was that the process of legal adoption is intrusive and long. For instance, the documents required to fill when applying for child adoption (see table 4.2) and the inspection from the social workers into the homes of the applicants. Not only does the applicant feel exposed but it also takes a long time to acquire the documents. A 52 year old man applicant explained his case: *"you are supposed to bring a medical certificate, any title deeds for land, house, etc.; all the property you have acquired to prove you're able to take care of the child. After that, they ask you to bring people who guarantee that they know you, you are able and that you're a good person, etc."*

After the long process of satisfying all documents are in place there are also delays in the court. The head of adoption of an orphanage explained the reasons the legal process takes long: *"getting a date in court isn't very easy because there are many cases pending in court."*

High court deals not only with adoption but with family issues and other matters. Adoptions are heard once a week, on Fridays. You will find that the courts will go on vacation in December until January and April and August and only urgent matters are handled at this time. Once you get a date other issues might arise or the judge could get sick and you have to get another hearing. It's commitment".

Another social worker reported: "lawyers are very tricky; they tend to substitute some cases with others. Especially if there's a local and they have an international [case] they will remove the local from the list and put the international one because they don't want to disappoint the international parents. Also, the international parents pay a lot of money so the lawyers want to make a lot of money within a short time".

To avoid the inconvenience from lawyers, AS have a list of recommended lawyers. Some lawyers even offer *pro bono* services or reduce fees to clients. The fact that most of the lawyers who are conversant with adoption are within Nairobi or in the outskirts of Nairobi is another disadvantage. AS official explained, "*lawyers taking adoption cases outside Nairobi courts are at times very slow. In my experience I've seen them prolong cases where clients have attended court over five times whereas in Nairobi clients attend court an average of two times: for the guardian ad litem appointment and the final hearing*".

Beyond the process itself there is also a fear of legal procedures. The administrator of an AS reported that, "*what I've noticed is that the client has a fear of court. They have a phobia. When we tell them they're going to court they are 'oh-God'. That one makes them [prospective adopters] think twice about adoption. When you tell them about the court some shy away*".

When asked, why people fear the court, a lawyer explained, "*Kenyans fear the legal system in general. We were a colony and in the colonial times, the white man and/or the police man,*

represented a repressive regime. And this is translated into the general public. People shy away from a policeman because you can easily be taken to jail. Kenyans have a phobia for court. They have fear and feel intimidated. They say 'we are harassed to be there'. This even happens to professional colleagues. Our court system is not user friendly. Kenyans go to court with a lot of fear. It's not because of adoption. It's general".

Although the respondents realized the importance of the legal safeguards that the process brings to the adopter and the adoptee, they could not comprehend the dilemma of a large number of needy children up for adoption and people willing to adopt but deterred by the complicated and expensive adoption process. All respondents preferred legal adoption to foster care.

This chapter has explained the legal process of legal child adoption under Kenyan law and the respondents' perspectives towards the legal process. The next chapter will uncover the social factors that influence child adoption according to the respondents of the study.

CHAPTER FIVE

SOCIAL FACTORS THAT INFLUENCE LEGAL CHILD ADOPTION

5.1 Introduction

The chapter explains the social factors such as knowledge, beliefs and expressions toward legal child adoption that are prevalent in Kenyan society and how they influence the attitudes people have about legal child adoption. The study explains the social factors as described by the informants.

5.2 Knowledge, beliefs and expressions regarding legal child adoption

Durkheim (1982) mentions that social factors are concepts and expectations that come not from individual responses and preferences, but from the social community which socializes its members. This is because there are ways of acting, thinking and feeling which have the property of existing outside the consciousness of the individual. Knowledge, as a social factor, informs how a person behaves. On the other hand, behaviour is influenced by an individual's values, beliefs and attitudes.

When respondents of the study were asked about the first idea that crossed their mind when they heard about legal adoption, differences in opinions were noted between the social-economic categories. People in the high income category pointed out the legal process complexity and how legal adoption was not a common practice in society. The middle income respondents referred to the importance and joy of children in a family setting, while the low income respondents frequently pointed out to be like other parents, companionship and a help in old age. A common theme through the three groups was related to give education, care and love; and to give an

opportunity to a homeless child. Feelings such as compassion and mercy were also visible through the different socio-economic categories. Table 5.1 shows some quotes from respondents about reasons for considering adopting a child if unable to conceive.

Table 5.1: Some of the reasons mentioned by respondents of the survey if they were to consider adoption if they were unable to conceive

Social-economic class	Quotes by respondents
Low income (N=37)	<p>“The needy also need somebody to care and love them”.</p> <p>“It’s endowment from the Lord”.</p> <p>“To help a family”.</p> <p>“To keep me companion”.</p> <p>“I’ll be like other parents”.</p> <p>“Because when he grows up he will help me”.</p> <p>“It’s for the child to offer company in the house”.</p> <p>“To be respected by your family”.</p> <p>“Those children also need care and education”.</p> <p>“It helps to extend the family”.</p> <p>[I wouldn’t adopt] “You might not know the background of the child”.</p>
Middle income (N=34)	<p>“It would make me feel complete and extend a helping hand to a needy child”.</p> <p>“To provide for the homeless”.</p> <p>“To love and to feel loved”.</p> <p>“To love a child as though she/he was my own”.</p> <p>“To have next of kin”.</p> <p>“To have a sense of belonging”.</p> <p>“To ensure continuity of the family name”.</p> <p>“For future inheritance and assistance”.</p> <p>“Life is not complete without children”.</p>
High income (N=32)	<p>“It’s Godly and humanity”.</p> <p>“To love, care and support the child”.</p> <p>“To have an heir”.</p> <p>“To have a fulfilling and loving life and family”.</p> <p>“To have somebody to carry on my name and love”.</p> <p>“To have a sense of belonging and to love unconditionally”.</p> <p>“It’s all about having a chance to raise someone to a self-respected person”.</p> <p>“Children are a blessing from God”.</p> <p>“Children give the parents a reason to live”.</p> <p>“I would not adopt but raise a relative’s”.</p>

Source: Survey

68.73% of survey respondents, admitted to have biological children while 36.27% did not have children at all. Out of the latter group (with no biological children), 94.59% would wish to have their biological children someday. On the other hand, even though only 4.11% of respondents declared that they had legally adopted or fostered a child, 50.4% of the sample population knew someone who had legally adopted a child; as relatives (42.37%) and friends (30.51%).

Respondents were asked about their general opinion about legal adoption. Majority of the respondents think that legal adoption is approved of by most people in society (61.76%) even if it is not considered a common practice. 38.24% of the respondents have an unfavourable or very unfavourable view of it.

Differences in opinion can be seen when analysing answers by different income categories. 63.6% of the respondents who had a very unfavourable opinion about legal adoption were in high income category while 50% of the people with a very favourable opinion were in middle income category. In the high income category, the unfavourable opinions were attributed basically to the process of legal adoption. The 54.9% of respondents who think most people disapprove of adoption are under 30 years old, while, 48.9% are from low-income category.

Although participants had a negative perception of the legal process, they seemed to know little about it. When asked where they would go to if willing to legally adopt, 93.3% of the respondents reported they would go to an orphanage, rescue home or/and foster care home while 6.67% would go to their church. Since adoption is done exclusively through Adoption Societies (AS), this confirmed that there is some misinformation about the legal adoption process. An AS officer confirmed the responses and reported that orphanages often refer prospective applicants to AS.

From the survey, it is established that participants have poor knowledge about the legal adoption process while they had misconceptions related to adoption and the adoption process. Misconceptions become barriers to families who are interested in adopting and getting connected to the children who are legally available for adoption.

Misconceptions can, therefore, prevent the positive interaction of the adoptive family with society and affect the way society perceives the adoptive family. Misconceptions, including those on the legal process, are perceived as obstacles by informants and parents. Misconceptions are nurtured by lack of knowledge and the preference of relying on other sources instead of the 'official sources'. Table 5.2 shows some misconceptions extracted from the study.

Table 5.2: Misconceptions and facts about legal child adoption

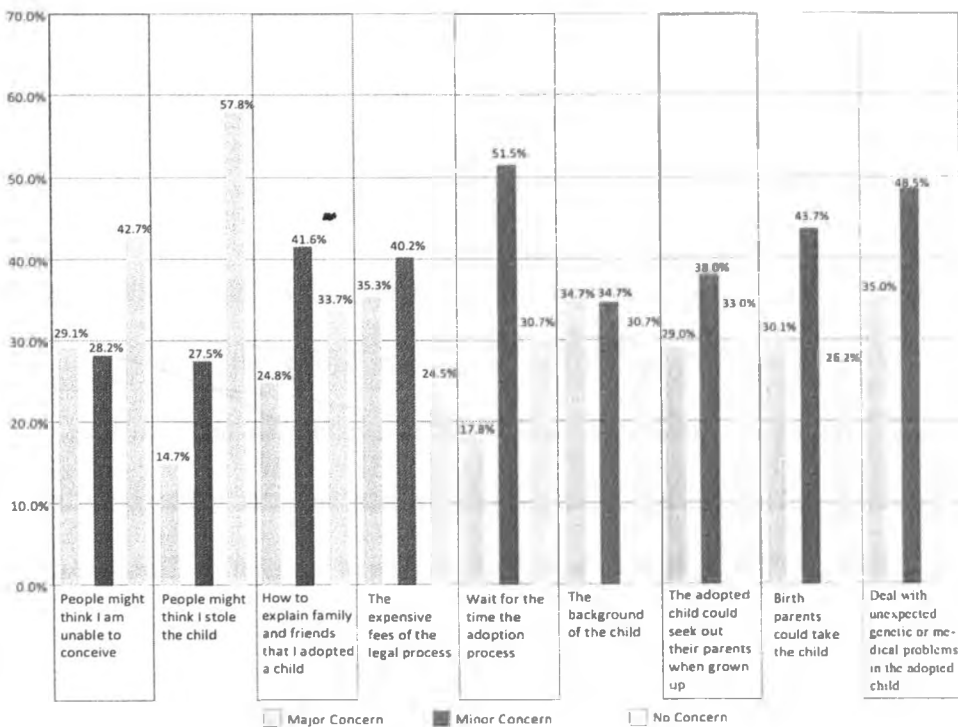
Misconception	Fact
<ul style="list-style-type: none"> Orphanages can offer children for adoption. Any child in an orphanage can be adopted. 	<ul style="list-style-type: none"> Orphanages cannot give children for adoption. Adoption in Kenya is done exclusively through registered Adoption Societies. Some of the children in orphanages have parents and many have relatives and can be freed for adoption after a legal procedure.
<ul style="list-style-type: none"> Only childless couples adopt. 	<ul style="list-style-type: none"> Some families want to add children to their already formed family. Single persons with or without children adopt.
<ul style="list-style-type: none"> Birthparents can show up at any time to reclaim their child. 	<ul style="list-style-type: none"> Once an adoption is finalized, the adoptive parents are recognized as the child's parents by law. The biological parent's rights on the child are terminated and transferred to the adoptive parents.
<ul style="list-style-type: none"> Bonding with the adopted child is more difficult than the natural child. 	<ul style="list-style-type: none"> Bonding starts the moment the prospective parent meets the child and starts interacting. It is a natural process and takes time, with right care, love and attention. A caring environment plays a major role in the bonding and adjustment process.
<ul style="list-style-type: none"> Adopted children are more likely to be troubled than birth children. 	<ul style="list-style-type: none"> Research shows that adoptees are as well-adjusted as their non-adopted peers. There is virtually no difference in psychological functioning, experts say.
<ul style="list-style-type: none"> Parents cannot love an adopted child as much as they would love a biological child. 	<ul style="list-style-type: none"> Love and attachment are not the result of nor guaranteed by biology. The intensity of bonding and depth of emotion are the same, regardless of how the child joined the family.

Source: Misconceptions by key informants in this study

biological. They say that those children who've been adopted turn out to be thieves and undisciplined, especially if they're boys".

The unknown background of the child has also an impact on adoption. When considering adopting a child, respondents had different concerns that emerged due to insufficient knowledge that influence their view of child adoption. One of them was the history of the child (34.65%) and it was related to the uncertainty of the child's past (genetic problems and background) and the chance that after some time with him/her, the child could seek for the biological parents. Another concern was the thought that the child's biological parents could take the child away from the new family. Concerns for respondents about the adoptive child and the adoptive parent in case they considered legal adoption are shown in figure 5.1.

Figure 5.1: Concerns of respondents about the adoptive child and the adoptive parent if they were to consider legal adoption



Source: Survey

Expressions are highly related to beliefs and both are a reflection of inner thought within a community. There are some expressions about legal adoption that circulate in Kenyan society and which had been chosen in this study because they had been often heard in informal conversations, read in newspaper articles and books, and expressed by informants of the study. Table 5.3 shows the answers of respondents of the survey when asked how often they have heard those expressions and if they believed them.

Table 5.3: Expressions about child adoption and answers of respondents on how often they hear those expressions and whether they believe in them

Expression	How often do you hear it?				Do you believe in it?	
	V. Often	Often	Seldom	Never	Yes	No
Unrelated child adoption is a white man's thing	13.7%	36.2%	34.3%	16.6%	6.8%	93.1%
When you adopt a child it is as if you were buying him/her	6.8%	26.2%	44.6%	22.3%	12.6%	87.3%
Children for adoption are dirty children	0.9%	13.5%	42.7%	42.7%	3.8%	96.1%
If you do not produce children you are less human being	17.6%	23.5%	33.3%	25.4%	11.8%	88.1%
It is bad to take another woman's child	15.6%	33.3%	28.4%	22.5%	33.0%	66.9%
Adopting legally unrelated children is not African	10.6%	20.3%	37.8%	31.0%	11.6%	88.3%

Source: Survey

From the responses in table 5.3, one can see that higher percentage of answers in relation to how often respondents hear the above expressions were seldom and never, and majority of respondents said they did not believe in them. But when talking to experts on adoption, and adoptive and prospective adoptive parents who are or have been in the process of adopting a child the perception is different. They argued that people mentioned them often and believed in them and therefore influenced people's perception on legal child adoption.

5.3 Attitudes toward legal child adoption

Knowledge, partially nurtured by social beliefs and expressions, largely informs people's attitudes towards child adoption. Fishbein and Ajzen (1975) define attitude as a latent or underlying variable that is assumed to guide or influence behaviour; it is a person's favourable or unfavourable evaluation of an object. It is assumed that a person's behaviour with respect to an object is largely part determined by his/her attitude toward that object (Fishbein and Ajzen, *ibid*). That is why attitudes are widespread because they are learned or copied from other members of the same group. This can explain why some people have positive or negative attitude towards an object, in this case - child adoption. Positive attitudes often come from people who have been involved with or have somebody close to them who has adopted a child.

The common public attitude toward adoption, as reported by a social worker, is that: "*adoption is not the best option. It's the last option for having children (the other solutions are having biological children or take a child for foster care). They only come to adoption when it is unavoidable*".

Informants explained that attitudes towards adoption can be negative and are based on lack of knowledge. These attitudes, therefore, affect child adoption. An officer of an AS argued that "*because of the attitudes people have, for example, when one wants to adopt but the family is not supportive, or you find a married couple who haven't got children for some time (average ten years the cases that come here) and one opts for adoption while the partner is against it. There are single women of 40 years and above who wish to adopt, but are discouraged by family who insist she should keep trying to conceive, and looking for a husband, etc.*" .

Another perspective on attitudes comes from the side of people willing to adopt. The head of adoption at a rescue centre explained, *“some people have been disqualified for adoption because of their attitude. Some people have negative attitude for adopting. They think that the child is very desperate and therefore needs to be rescued. [And then] this is not healthy for the child. It’s not the fault of the child, as they are very innocent. Ending up in a children’s home doesn’t mean that they are dirty or poor. At the children’s home they are provided whatever they want, they go to good hospitals... They are poor because they don’t have a home but they’re lucky to be here”*.

On the bright side, there are also positive attitudes especially from the parents who have adopted a child and see the reality from practice. A social worker from an orphanage reported that, *“once you give a family a child they look contented. They look like “wow, finally I got it!” It brings happiness”*.

Attitudes start at home. Most of the parents who have adopted are reported to be afraid, at some point, of disclosing the status to the adopted child. Sources consulted say that adoptive parents fear what society, neighbours, extended family and close family would say especially against the adoptee (quite opposite from the results extracted from the survey on the matter of attitudes from others, see table 5.2), impeding them to tell the truth to the child. Adoptive parents in Kenya tend to hide the fact that they have adopted a child.

Examples abound and there is the case of a childless couple who faked the wife’s pregnancy with the husband’s support. An adoptive parent reported: *“the lady had to put on maternity clothes – this was her own confession -. The couple went for a holiday for two months. While on holiday they called their family and informed them of the birth of the child. They feared the stigma associated with adopting a child”*.

Informants of this study shared 'anecdotes' of clients who had faked pregnancies for the sake of their families. It confirms that some adoptive parents also have bad attitudes towards adoption and it influences the way society looks at it.

An adoptive father of three stated that: *"today somebody adopts and then hides as if he never knew what he was getting into. When you make a decision you must know the implications. How can you have children and hide their status? Of course people will talk! It's up to you to show them that you're above those things"*.

There are also some negative attitudes towards the adoptive child. A single mother of an adopted girl reported that the public attitudes are the biggest problem due to lack of knowledge; she explained her case: *"my older sister's ok with my baby but she does comments on the child. For example, 'look at her, she must come from this or that family [referring to the tribe]' or 'when she grows up she'll go to her own family'"*. She added, *"I've received positive feedback from society, my family and my friends. They ask me why I didn't think about it before!"*

That is not the case of a 25 year old married woman whose biological daughter and adopted son are the same age. This is a clear example of how society may see two children with different backgrounds. *"An adopted child is not accepted like that within the family, within friends, within the society"*. Asked if she perceived any difference in attitudes between her adopted and biological child, she answered: *"Yes. The way I see it, they love my biological child more than they love my adoptive child. I feel they give more attention to her [biological child]. But for me I feel the same for both. I love them equally and I don't see the difference"*.

Respondents expressed that the adopted child would have acceptance in his/her new extended family. 57.2% of them considered acceptance somewhat likely and this trend can be seen in all

groups studied. 49.51% of the respondents reported that it is very likely that the new parents would love the new member of the family as much as they would have loved their biological children. Only 5.83% of the respondents said it would be somewhat unlikely that adopted children would be loved by their parents as much as their biological children.

Respondents were also asked whether there was any difference between adoptive and biological children when facing problems with alcohol or drugs, health and school problems or with their behaviour. In general, respondents thought that those were situations that could occur both to adopted children and biological ones. Nevertheless, behavioural problems were an issue with 31% of the respondents indicating that adopted children were more likely to have rather than biological children.

Interviews in this study confirmed the results of the survey. According to an AS officer, *“[people] fear the (...) background of the child and if he/she will misbehave. Not many people know what the background of these children is. You find that a child was found abandoned, picked by the police and brought to a children’s home. What else do you know about the child? What else do you know about the mother? Kenyans think this child might have been born from a thief or a prostitute”*.

When talking about positive issues, answers differed between respondents. Respondents answered that adopted children were less likely than other children, to be well adjusted in society and with their own lives (34.3%), happy (40.2%) or self-confident (36.3%).

This chapter has discussed the social factors in legal child adoption. Knowledge, beliefs, expressions and attitudes were identified by the respondents as factors that influence legal child adoption in Kenya. The next chapter will explain cultural factors that impede the legal process.

CHAPTER SIX
CULTURAL FACTORS THAT IMPEDE
LEGAL CHILD ADOPTION

6.1 Introduction

The chapter seeks to explore cultural factors that impede legal child adoption in Kenya. These factors were identified by the respondents of the study and this chapter seeks to explain how the factors impede the process of legal child adoption in Kenya. These cultural factors include status of an adult with a biological child, the boy figure, stigma on the adopted child and the adoptive parent, and the prospective adoptive parent.

6.2 Status of an adult with a biological child

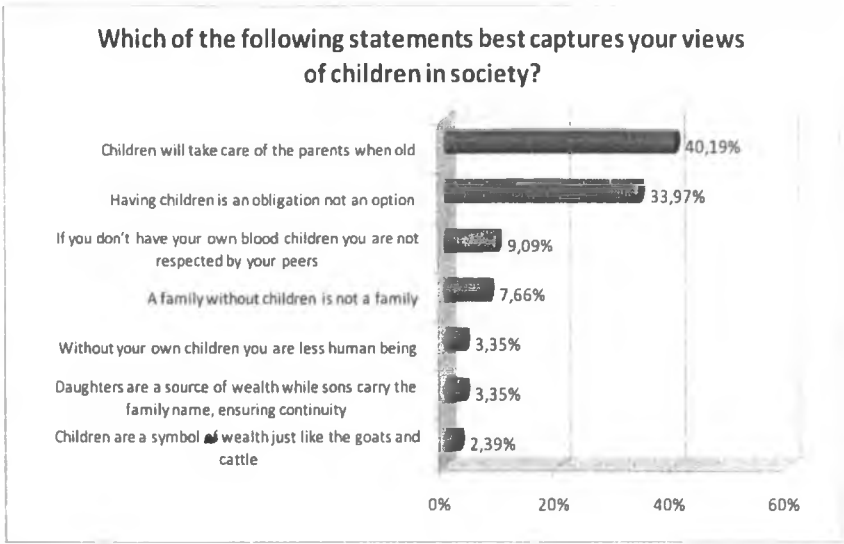
It is important to note that this study was not conceptualized to make a distinction between the different tribes in Kenya or to explain child adoption in each tribe, however, the concept came across frequently. Most of the informants highlighted, in one way or another, the importance of the various tribes in Kenya and how different their approach towards child adoption is. For the experts in adoption, adoptive parents and respondents in the survey culture is synonymous with tribe. An informant explained: *"it depends on what culture you are talking about. You see that we are around 42 cultures in Kenya"*.

Children in the African society are extremely important for the continuation of the family name and lineage, and ensuring that the family treasures and possessions are inherited and looked after through generations (Kabiru and Njenga 2007). Having a child, therefore, seems to be an obligation than an option. This is confirmed by the informants of this study, who at some point

have felt the social pressure, the natural instinct or the cultural impulse of having a biological child.

According to findings from the survey, children have an important role in society. From a group of statements given, the respondents had to select two that best captured their views of children in society. 40.19% of all answers showed the importance of children to parents in old age. The second most frequent answer (33.97%) was the belief that having children is an obligation not an option. Figure 6.1 shows respondents' views on children in society.

Figure 6.1: Views of respondents on the importance of children in society



Mbiti (1971) says that a child in Africa means happiness, hope and future. It is not a coincidence that a much respected way to call a woman in Africa is *mamma*, and that typical greetings exchanged when people meet involves enquiring about the family. The general assumption is that a woman of certain age *per-se* has children or if she does not have them yet, she wants absolutely to have her own one day. The same, although not that categorical, happens to the perception towards men. A 35 year old man interviewed explained: "In the African setting, it's

not possible that a person doesn't want to have children. Everybody loves children. Those who say they don't want children might be hiding an illness. Everybody must have children!"

The importance of children is related to a social-cultural order that society follows. There are rites of passages that indicate the different status of a person and, dictate the process of becoming a man or a woman. These rites are closely related to reproduction. Circumcision for example, is the beginning of adulthood in some tribes, and it is not only important for the participants themselves but also for the status of their families. Kenyatta (1965) says that circumcision is a moment of *"great excitement and anxiety, especially for the mother and the father whose first born is to be initiated, for not only is their boy or girl passing from childhood to adulthood, but the father and mother are to be promoted to a higher status in the society"* (pg. 139).

In a similar way, following cultural beliefs, when a couple gets married they are expected to have children. It is a duty to produce children. The biological process of conceiving and giving birth is a sign of adulthood. The adult is not considered a girl or a boy anymore and is seen as mature enough to make decisions. As explained earlier, the importance of children is also reflected on the status of the parents. With the achievement of getting a child, the adult passes to the next group, one step higher in the social ladder. It would therefore be appropriate to conclude that the lack of a child or children denies the person the opportunity to graduate to the next group in the eyes of society.

A 35 year old married man with one adopted daughter and one biological son explained his views on the status of the adult when he/she does not have a child: *"In Kenya and Africa, if you're childless you're worthless. If you wish to be perceived as a normal person you must have a child. In my family all the boys have a specific name. If I don't have one son with that name I'm perceived as a lesser person. In terms of ranking, I may not even be called for important*

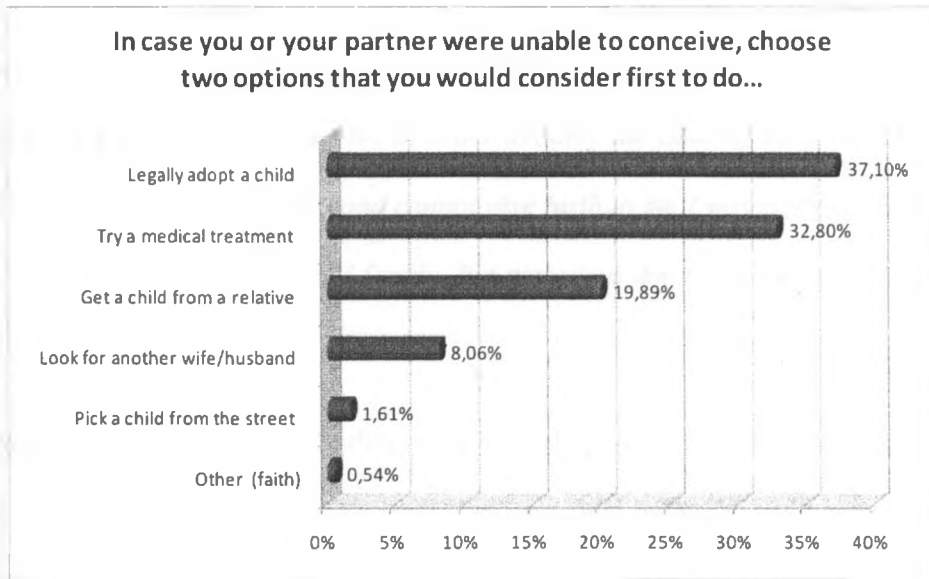
meetings in the family because I don't have a son. You are seen as worthless if you are not a father. You are perceived as not mature enough, and not responsible. This has pushed so many people to get children in whichever way. Once you have a son, you're sure he will protect you and you'll be called for meetings".

A 45 year old nurse shared the same opinion from the female side: *"without a child you don't feel like a proper woman, you remain just a girl, you can easily be tagged as homosexual or just a bachelor no matter how old you are. There's social pressure to have children, to have a family. In African culture marriages are more valuable when they have children. If I don't get a child I might feel inferior. In African culture children are valued very much and a person who has many children is very important".*

A married middle aged man with a 4 year old adopted son explained the meaning behind having children: *"the reason why Africans like children is because they feel proud to say these are my sons, these are my daughters, and I want to form a clan. Once I have too many children I'm protected. Africans prefer to have many children instead of wealth. We really value children so much".*

Respondents of the survey were asked what option they would take in case one and his/her partner were unable to conceive, the first option in 37.1% of the answers was to legally adopt a child. The second answer in importance is to get medical treatment (32.8%). Figure 6.2 shows the option.

Figure 6.2: Options chosen by respondents in case inability to conceive



Analysing these answers by age group, it showed that the first option for the younger group (between 18 and 30 years old) was to legally adopt a child (40.9%) while in the middle age group (31 to 50 years old) to try medical treatment was the most common option (41.3%).

Between the older age group (from 51 years old and above) the most common answer was to get a child from a relative (38.6%).

When the results were analysed by social-economic categories, it was interesting to note some differences of opinion. In low-income category, people did not give legal adoption as their first option but instead, opted to try medical treatment (48.5%). In high-income category, people opted for legal adoption (51.8%), with the second option being to take a child from a relative (32.1%).

Society has traditional ways of dealing with the lack of children - such as having a second wife or husband - although informants explained that norms are slowly changing especially in urban areas due to procedures such as In Vitro Fertilization (IVF) and legal child adoption. The

experience of a 40 year old married woman who lives in Nairobi and who adopted a child for medical reasons shows that other alternatives are still not accepted. She stated: *"culture doesn't allow any room for adoption. They want the continuation of the generation in the family. Culture encourages people to have many wives in order to carry the issue of the family tree. What was done previously was that if my husband cannot give birth to me I was supposed to sleep with his brother and the blood was within the family. But nowadays due to the spread of diseases it's not worth it"*.

The slowly changing attitude on dealing with lack of children was also explained by a 52 year old man who had been married for 22 years without a child before he and his wife adopted a son two years ago. He reported: *"in Africa that's why many men end up by marrying many women. They like to have a big family (...) but today's generation [has changed], my wife won't allow me to marry another wife. This is only women who're not enlightened, not educated, from villages, [women] who're backwards and accept and can do nothing about that"*.

It would be fair to say that it is not only people living in rural areas who tend to keep traditional practices, but also the older generation. The head of adoption at an orphanage reported clients as telling her that *"nobody sees me as a person. My mother in law doesn't see me as a person. She keeps telling my husband to look out for another wife but my husband loves me so much and he doesn't want to"*. She further explained: *"emotionally, it's hard enough not to have your own children and when you find out that you actually cannot have your own children. You as a person feel bad. People encourage you to have children but if you can't it's as if it's the end of the world. People don't encourage you to adopt. What is the solution then?"*

From the perspective of the importance of children in society and being a practical solution, the option of adopting a child, in theory, would help the childless adult to attain status in the community. But this is not the case. According to respondents, some people do not go for legal adoption because the child is not blood related. Others because the adult feels exposed in society.

6.3 The boy figure

In addition to the pressure to have biological children, couples also find pressure to have a boy. The boy figure was a factor mentioned by the informants of this study as highly influential in child adoption in Kenyan society. Boys are believed to pass the family name, inherit land and property and look after the parents in old age. The belief is that the boy will always be in the family while the girl will be married off. The importance of having a male child is confirmed in the pressure couples have to deliver a baby boy after they get married.

Paradoxically, the importance of the boy figure makes him vulnerable to abandonment and difficult to adopt. Informants explained that abandonment and difficulty to adopt have to do with cultural norms and beliefs on how children should be gotten: though it is assumed children should be gotten through marriage, the reality is that there are many children who are not gotten through marriage these days. According to the Department of Children's Services, by November 2010, there were 6,429 children in Charitable Children's Institutions (CCIs) 3,320 were boys and 3,109 were girls. Statistics from 2006 to 2009 in table 6.1 show that more girls are adopted than boys.

Table 6.1: Statistics of child adoption in Kenya from 2006 to 2009

Year	Local adoption	International ad.	Female	Male
2006	10	5	8	7
2007	93	29	70	52
2008	101	73	100	74
2009	76	60	62	74
Total	280	167	240	207

Source: Children Secretariat, 2010

Informants in this study confirmed that the number of boys in children's homes is higher than that of girls because girls are readily placed for adoption. *"If you look at the numbers in the children's homes you will find that there are more numbers of the male children because of cultural reasons. If there's a home of 20 children you find that 15 are boys. The girls tend to go out more into the adoptive families than boys"*, argued an administrator of an Adoption Society (AS).

A social worker at a rescue home explained further: *"we have this belief in certain cultures that you have to give land –that you can't even afford - to the boy. So you have the pressure to give something to him because the girls leave home after they grow up and get married and [parents] receive dowry [bride wealth]"*. But there is also the belief that a boy will become bad –worse than a girl -. The head of adoption of an orphanage revealed: *"even in couples you find that 50% have their own preferences. A big percentage prefers baby girls as they believe a boy will become a criminal"*.

A lawyer explained that in Kenyan cultures, it is common to accept a potential wife with a daughter because the girl will eventually marry off and leave, while the boy will stay and can become a latent threat to the stepfather. He stated: *"I've seen that women are very reluctant to let*

their daughters go and they remain with them. If it's a boy they'll leave him with the father [when possible]".

Another reason why there are more girls than boys placed for adoption is the law which is seen by informants as an obstacle against child adoption. As explained in this study in chapter four, under Kenyan law, single women can adopt a girl and single men can adopt a boy. Only under special circumstances can an adult adopt a child of the opposite sex. Currently, more single women are adopting children leaving fewer girls in children's homes, informants stated. The report by Parry-Williams and Njoka (2008) shows some statistics of one AS from 2003 to 2008. It reveals that 22.3% of the applicants were female applicants between 25 and 29 years old, while 77.7% were from women between 30 and 49 years old. It also discloses that 71.5% of the applicants were married and 25.6% were single. These statistics illustrate that couples are the main adopting group in Kenya, but they also show a trend that informants also confirm: Single and middle aged women who adopt are increasing. A social worker dealing with adoption in a rescue centre reported: "*[The] First category [of people adopting] is the single women who have either not been able to give birth or they have concentrated on their education, career development and end up feeling that they don't want to give birth and instead they want to adopt*".

6.4 Stigma on the adopted child

Stigma is defined in Diccionario Enciclopédico, El Pequeño Larousse Ilustrado (2009), as to mark somebody on the body as punishment, and to characterize or brand as disgraceful or ignominious. Oxford dictionary (1995) defines it as a bad reputation that something has, because

many people disapprove of it, often unfairly. There are two distinctive kinds of stigmatization in child adoption: on the adoptive child and on the adoptive parents.

"Mtoto wa kumunua", is a Kiswahili phrase commonly used to refer to adopted children which, when directly translated into English means 'bought children'. Most of the informants in this study mentioned at some point this expression to refer to adopted children (even if they disagree with it). A 43 year old woman working in an orphanage confirmed that: "in Kenya the stigma is there: adoption is buying a child. We call it kumunua: this person has a 'mtoto wa kumunua'; this person has bought a child. People think [about the adopted child] this one is not our child and he/she [the adoptive parent] just bought a child. They think if we don't know the background of this particular child, he/she may not have a good character at a certain age. Most of the [adopted] children are referred as outcast in African culture".

A 35 year old father argued that many parents adopt a child and then do not follow up on them. They tend to relax once they bring this child home. *"There are those families who adopt a child because of their selfishness. It can be the common thing especially in the rural areas. Where I come from, I've seen families who adopt children and they leave them to steal, they behave worse than if they would have been brought up in a home because their parents lost touch with the parental skills and then you can see a disparity. The child who has been adopted has a different will than the biological child. This is not the problem of the child or the institution it is the problem of our society! Because of the social and cultural factors we don't show the adopted children that they are part of us", he concluded.*

A mother of one biological daughter and one adopted son both the same age, remembered the comments of her family members when she introduced to them her child, *"someone came and*

saw my son and [said] 'he looks picked, he looks pathetic, he's malnourished, why do you add yourself a burden?' I said, this is a child. No matter whatever he has we don't look at that and yes, he had a health exam, we know he's negative". She added that, "for the parents you can stand up for your own but the child doesn't understand, he'll be definitely be affected by these kind of comments. When they grow up, they feel as if they don't belong, as they were bought".

6.5 Stigma on the adoptive parent

Society does not only stigmatize the adopted child but also the adoptive parent as he/she is seen as infertile. A social worker from an orphanage explained why the stigma surrounding 'infertile parents'. She argued that it is associated with medical causes, especially in the past of the woman. "They [society] say it's because you were doing abortions when younger, you got pregnant and got abortions! That's why now you're not able to give birth. Or they make up very long stories. It's not the issue of having aborted, it's the problem associated with the woman not the man. Why women have the blame? Because of the expectations, the division of labour – women are there for reproduction-. The stigma is because of reproduction" she concluded.

Although it is not true that only infertile adults adopt a child, Miall (1987) has identified three major motives for stigmatization of a childless couple: because of the fact that bonds of blood are considered to be the base for love and ties in family; because of the unknown genetic background of children adopted by childless marriages they are considered to be bad and; because adoptive parents are not biologically linked to their children, their parenthood is not considered to be real.

There's some stigma, so most of the people who come here opt to do it secretly, opt to carry out a secret adoption process, most of them don't tell their families", explained an Adoption Society officer.

6.6 Prospective adoptive parents

Some informants reported prospective adoptive parents are considered to be obstacles. They are perceived to take long time to finalize the process of adoption and not being in a hurry to complete it. After all, they already have the children and do not see the need to get the final order. Some parents are reported to stay with the children for more than five years (see Table 4.3) without realising the need to formalize the adoption. On the other hand, respondents agreed on that AS do not pressure prospective adoptive parents enough to finalize the process.

Informants of this study also highlighted some major obstacles against child adoption they have experienced. Interviews revealed that many people are willing to adopt a child but they shy away when they see the cost, the time spent and the court process (chapter four). For them, it is difficult to understand why helping and taking care of a 'needy' child can be cumbersome, yet there are many children in Charitable Children Institutions (CCIs) and people willing to look after them.

Some common obstacles discussed by informants working directly with legal child adoption and, parents who have adopted or are in the process of adoption are listed in table 6.2.

Table 6.2: Obstacles to legal child adoption reported by informants of the study

Obstacle	Key informants working directly with child adoption	Adoptive and prospective adoptive parents
Legal process and requirements	<ul style="list-style-type: none"> • Process is tedious, slow, long, intrusive and disorganized. 	<ul style="list-style-type: none"> • Process is intrusive, not friendly, very difficult and very long. • Women cannot adopt boys.
Lawyers and lawyer's fee	<ul style="list-style-type: none"> • Fees are high and unregulated. 	<ul style="list-style-type: none"> • Lawyers favour international clients over local clients. • Lawyers are not specialized on adoption.
Community beliefs and attitudes, and myths on legal child adoption	<ul style="list-style-type: none"> • Society has poor knowledge on legal adoption. • Child adoption is perceived as buying a child, picking up a child from the street and foreign thing that only <i>mzungus</i> do. • Adopted children will become bad, incorrigible, manner-less and naughty. • Parents who adopt are not men/women enough to bear children. • Process takes long because of bureaucracy. 	<ul style="list-style-type: none"> • Society believes the adopted child is as an outsider. • Lack of education feeds prejudices, myths and negative attitudes against child adoption.
Court	<ul style="list-style-type: none"> • Potential applicants fear judges and the court. • High court deals with other issues apart from adoption and gets congestion delaying adoption orders. • Adoptions are done once a week. 	<ul style="list-style-type: none"> • The court harasses the parents.
Applicants themselves	<ul style="list-style-type: none"> • Applicants take too much time to finalize the whole process. • Many of the prospective adoptive parents after the bonding process do not bother to finalize the process. 	<ul style="list-style-type: none"> • After the bonding process applicants are not in a hurry to finalize the adoption process in court.

Source: Informants of this study

The obstacles mentioned in this chapter are major obstacles to legal child adoption. However, according to respondents of the study these obstacles can be overcome with information, public education, sensitization and awareness toward child adoption. Culture is dynamic and as it changes, the mentality towards adoption is also transforming as explained by the respondents.

CHAPTER SEVEN

CONCLUSIONS AND RECOMMENDATIONS

7.1 Conclusions

The study established that Kenya has a clear and defined legal process on child adoption. Although the process is legally streamlined and clear, it is perceived by adoptive and prospective adoptive parents in this study as long and tedious to follow, especially the legal phase in court. There is an obvious lack of information about this part of the process, and respondents are of the opinion that Adoption Societies (AS) could provide more information and guidance to the parents in the legal process, especially on self-representation in court. This point was strongly highlighted by the parents who argued that self-representation can considerably decrease the fees on the adoption process for the adopter.

Another conclusion drawn from the study is that, although people seem to be aware of the benefits that legality on child adoption brings, they do not know much about the process. This is clearly seen in adoptive and prospective parents. Some of them seem satisfied with what has been explained by the AS or/and the lawyer and do not see the need to explore the law further, leaving information gaps that they fill with experiences, from colleagues, parents or other secondary sources, which are not always substantiated.

The social factors that influence legal child adoption identified by the study include knowledge, beliefs, expressions and attitudes. In the case of the public, the knowledge related to legal child adoption is limited. Even though they practice or people have been practicing traditional adoption in their lives, legal child adoption still carries some stigma. The fact that child adoption is frequently associated to buying children makes potential adopters shy away from the process.

At a personal level, people do not see anything wrong with adopting an unrelated child though they are wary of criticism from society. There seems to be a general concern about what other people might think, how their relatives and neighbours might react and what people could tell the adopted child when it is older. Because of the social network, a private affair of adopting a child becomes public and therefore open to scrutiny. People fear stigmatization and negative talk especially to the children. Misconceptions on legal adoption also make it a taboo subject.

The cultural factors that impede legal child adoption identified by the study are the status of the adult with a biological child, the importance of the boy figure, stigma on the adopted child and adoptive parent, and the delay of the prospective adoptive parent to finalize the process. For the majority of people interviewed in this study, culture is synonymous with tribe. Most of them argued that child adoption was dependent on the culture/tribe one belonged to and cannot be generalized.

Kenyan society is still very traditional and it is reflected in the importance of family (blood, lineage, inheritance, boy figure) and the way they deal with childless couples. But, culture is dynamic and as it changes, the mentality towards adoption is also transforming. This is reflected in changing behaviour towards traditions that are not as strong as they were previously (second wife/husband for example), and the perception towards adoption - although still negative, is slightly more positive than it was a few years ago.

Culture and customs influence perceptions on legal adoption, as a way of having and raising a child in Nairobi. Social and cultural factors related to adoption affect the final decision and generate doubts and fears in prospective adopters about adoption. One can therefore conclude that culture, in its various forms, is the main inhibitor to child adoption in Kenya. It is, however,

pertinent to say that society is dynamic and it is noted in the changing perceptions of society. New generations are not likely to be negative or that traditional, towards child adoption as the previous generations.

7.2 Recommendations

Based on the study findings the following recommendations are made:

7.2.1 Policy recommendations

- Adoption Societies (AS) should embark on a public information campaign in order to create awareness on the vital role they play in the process of legal child adoption. Furthermore, AS should promote alternatives when unwanted pregnancies occur such as giving the baby away for adoption in a legal and proper way. These campaigns could be carried through the media, public campaigns in schools and other targeted public areas.
- The government through the Children Department's Service and the Adoption Secretariat should sensitize the public on legal child adoption and the right that a child has to grow in a family. Media campaigns and access also to information on legal child adoption in schools will enable people to know that there are different ways to have a family. Furthermore sensitization will enable individuals to make informed decisions based on facts and consequently develop a positive attitude towards adoption.
- There ought to be a legal deadline and defined timeline for local adoption process. This would encourage adoptive parents to keep to the schedule and finalize the court process sooner. It is also necessary to empower and guide prospective adoptive parents on the adoption process and 'push' the adoptive parents more when they do not finish their process within the time given.

7.2.2 Recommendations for further research

- The study has explained the social and cultural factors that influence legal child adoption in Kenya and it has revealed, among other things, the perspective of adoptive and prospective adoptive parents in the legal process. Due to the scope and limitations of the study, the results did not cover the perspective of the adopted child. Therefore, this study recommends further research on the adopted child and her/his integration in the adoptive family and in society.

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APPENDIX 1: INTERVIEW GUIDE FOR KEY INFORMANTS

Consent statement: This study is on the social and cultural factors that influence child adoption in Kenya and it will be used in academic area. You have the freedom to choose to participate or not to participate in this study. I will voice record this interview for my personal records and for quoting verbatim your comments on child adoption. Nobody, apart from me, has access to the recordings. Your name or surname will not appear in any case in the final report. All the information provided will be confidential. If you are not comfortable with any question you can choose not to answer it. Thank you for your time and willingness to answer the questions for this study.

Questions:

1. Age __
2. Level of education
3. Primary__ Secondary__ Undergraduate__ Postgraduate __
4. Position _____
5. Neighbourhood of your working place _____
6. Kindly describe your responsibility.
7. How do you define legal child adoption?
8. What channels are used to determine suitable children for adoption?
9. How many applications/requests to adopt a child per month does (xx) receive?
10. Has there been an increase or decrease in applications to adopt children in the last five years? In your opinion why is the case? -
11. Has there been an increase or decrease in number of children who wait for adoption in the last five years? Why?
12. What do prospective parents ask more frequently about adoption?
13. What are the reasons people have to legally adopt a child?
14. What are the reasons that prevent people from adopting an unrelated child?
15. What are the major obstacles that face legal child adoption in Kenya?
16. How can legal child adoption in Kenya improve?
17. Do adopters demand specific characteristics in the child when adopting? Why? Which ones?
18. Can you describe the average profile of Kenyan adoptive parent?

19. What is the importance of children in Kenyan society?
20. If children are so important for African/Kenyan society why are there abandoned children?
21. Does importance of children in Kenyan society influence legal child adoption in Kenya? In which ways?
22. Which social factors influence child adoption in Kenya?
23. Which cultural factors influence child adoption in Kenya?
24. What do Kenyans know about child adoption?
25. In your opinion, does cultural background influence people's attitudes toward child adoption? (If yes, what are the factors that impede/promote its acceptability?)
26. In your opinion, how could Kenyans be sensitized on child adoption?
27. How can you rate the level of awareness among Kenyans on child adoption?
 1. Good ___
 2. Fair ___
 3. Poor ___
 4. Very poor ___
28. Do beliefs interfere in negative way with child adoption?
 1. Definitely yes ___
 2. Very much ___
 3. Yes ___
 4. Not ___
 5. Not much ___
 6. Not at all ___
29. How often do you hear these expressions?
 1. Very often ___
 2. Often ___
 3. Seldom ___
 4. Never ___
1. Unrelated child adoption is a white man's thing ___
2. When you adopt a child is like if you were buying him/her ___
3. Children placed for adoption are "dirty children" ___
4. If you do not produce children you are less human being ___
5. It's bad to take another woman's child ___
6. Adopting legally unrelated children is un-African ___
30. In your practice what other positive or negative expressions have you heard related to child adoption?
 1. In your opinion are Kenyans sensitized on child adoption? Why?
 1. Yes ___
 2. Fairly ___
 3. No ___
 2. How long have you been working with child adoption?

APPENDIX 2: INTERVIEW GUIDE FOR ADOPTIVE AND PROSPECTIVE PARENTS

1. Occupation: _____
2. Where do you live _____
3. Age _____
4. How did you come to know about child adoption?
5. What do you think about the adoption process?
6. Did you know about the Adoption Societies?
7. What is the most difficult thing regarding legally adopting a child?
8. How have you managed it?
9. What do Kenyans know about child adoption?
10. Which social factors influence child adoption in Kenya?
11. Which cultural factors influence child adoption in Kenya?
12. What public attitudes are recurrent towards child adoption in Kenyan society?
13. What are the obstacles that child adoption faces in Kenya?
14. How can child adoption improve?
15. What advice would you give to prospective adoptive parents?

APPENDIX 3: SURVEY QUESTIONNAIRE IN ENGLISH

No.

I. INFORMATION ABOUT THE PERSON WHO ANSWERS THE SURVEY

1. Sex: 1. F 2. M
2. Age: 1. From 18 to 30 2. From 31 to 50 3. From 51 and above
3. Marital Status: 1. Single 2. Married (living together) 3. Divorced/separated 4. Widowed
4. Level of education: 1. No formal education 2. Primary 3. Secondary 4. Undergraduate
5. Postgraduate 6. Other
5. Occupation: _____
6. In which neighbourhood do you live? _____

II. PERSONAL OPINION ABOUT CHILDREN AND CHILD ADOPTION

1. Do you have your own (biological) children? 1. Yes (go to question 3) 2. No
2. Would you like to have biological children someday? 1. Yes 2. No
3. Which of the following statements best captures your views of children in society? (Kindly choose two)
- 1. Having children is an obligation not an option
 - 2. If you don't have your own blood children you are not respected by your peers
 - 3. Daughters are a source of wealth while sons carry the family name, ensuring continuity
 - 4. Children will take care of the parents when old
 - 5. Without your own children you are less human being
 - 6. Children are a symbol of wealth just like the goats and cattle
 - 7. A family without children is not a family
4. In case you or your partner were unable to conceive, choose two options that you would consider first to do...
- 1. Look for another wife/husband
 - 2. Try a medical treatment
 - 3. Get a child from a relative
 - 4. Legally adopt a child
 - 5. Pick a child from the street
5. Have you ever legally adopted or fostered a child? 1. Yes 2. No
6. Do you know someone who has legally adopted/fostered an unrelated child?
- 1. Yes
 - a. Colleague
 - b. Relative
 - c. Acquaintance
 - d. Neighbour
 - e. Friend
 - f. Friend of a friend
 - 2. No
7. Your opinion about legal child adoption in general is...
- 1. Very favourable
 - 2. Favourable
 - 3. Unfavourable
 - 4. Very unfavourable
- Kindly give one reason for your opinion: _____

8. What is the first thing that crosses your mind with child adoption? _____

9. In your opinion most people approve or disapprove legal adoption?

1. Approve 2. Disapprove

10. How likely is it that the extended family of the parents who adopt children will accept the adopted child as much as they would have accepted their biological ones? Is it...?

1. Very likely 2. Somewhat likely 3. Somewhat unlikely 4. Very unlikely

11. How likely is it that parents who adopt children will love them as much as they would have loved children they gave birth to? Is it...?

1. Very likely 2. Somewhat likely 3. Somewhat unlikely 4. Very unlikely

12. In case your close relative or friend were unable to conceive, you would recommend her/him to:

1. Look for another wife/husband 2. Try a medical treatment
3. Legally adopt a child 4. Get a child from a relative
5. Pick a child from the street

13. Kindly describe in no more than five words what legal adoption means to you... _____

14. Suppose you wanted to adopt a child. Which of the following places or people would you turn to for legally adopting a child?

1. Your church 2. Orphanage, rescue home or/and foster care
3. Friends and neighbours 4. Other source Which one? _____

15. How often do you hear these expressions?

	a. Very often	b. Often	c. Seldom	d. Never
1. Unrelated child adoption is a white man's thing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. When you adopt a child is like if you were buying him/her	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Children for adoption are "dirty children"	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. If you do not produce children you are less human being	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. It's bad to take another woman's child	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Adopting legally unrelated children is not African	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

16. Do you believe in the following expressions? Kindly answer yes or no

1. Unrelated child adoption is a white man's thing	1. Yes <input type="checkbox"/>	2. No <input type="checkbox"/>
2. When you adopt a child is like if you were buying him/her	1. Yes <input type="checkbox"/>	2. No <input type="checkbox"/>
3. Children for adoption are "dirty children"	1. Yes <input type="checkbox"/>	2. No <input type="checkbox"/>
4. If you do not produce children you are less human being	1. Yes <input type="checkbox"/>	2. No <input type="checkbox"/>
5. It's bad to take another woman's child	1. Yes <input type="checkbox"/>	2. No <input type="checkbox"/>
6. Adopting legally unrelated children is not African	1. Yes <input type="checkbox"/>	2. No <input type="checkbox"/>
7. Adoption is only for the wealthy	1. Yes <input type="checkbox"/>	2. No <input type="checkbox"/>

17. Would you consider adopting a child if you could not have your own natural children?

1. Definitely yes 2. Yes 3. No 4. Definitely not

Kindly give one reason for your opinion: _____

18. Why would you NOT consider legal adoption?

- 1. Very expensive
- 2. The attitudes against the child that family, friends and society could have
- 3. The court, lawyer and legal process

19. In case you considered to adopt a child, what would be your concerns?

a. Major concern b. Minor concern c. No concern

- | | | | |
|--|--------------------------|--------------------------|--------------------------|
| 1. People might think I am unable to conceive | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. People might think I stole the child | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. How to explain family and friends that I have adopted a child | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. The expensive fees of the legal process | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Wait for the time the adoption process takes | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. The background of the child | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. The adoptive child could seek out his/her birth parents one day | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Birth parents could take the child back | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. Deal with unexpected genetic or medical problems that might emerge later in the adopted child | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

20. Do you think adopted children are equally likely, more likely or less likely than other children to have/to be...

a. Equally likely b. More likely c. Less likely

- | | | | |
|----------------------------|--------------------------|--------------------------|--------------------------|
| 1. Problems at school | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Behaviour problems | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Drug / alcohol problems | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Health problems | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Well adjusted | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Self confident | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Happy | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Thank you very much for your time and your willingness to answer this questionnaire!

Optional

Signature _____

Contact number _____

APPENDIX 4: SURVEY QUESTIONNAIRE IN KISWAHILI

No.

I. INFORMATION ABOUT THE PERSON WHO ANSWERS THE SURVEY

1. Jinsia: 1. Mke 2. Mume
2. Umri: 1. Kutoka 18 hadi 30 2. Kutoka 31 hadi 50 3. Kutoka 51 kuendelea
3. Hali ya Ndoa: 1. Mmoja 2. Umeolewa (au mwaishi pamoja) 3. Umepewa talaka / Mmetengana
4. Mjane
4. Kiwango cha elimu 1. Bila elimu ya kisasa 2. Shule ya msingi 3. Shule ya upili
4. Shahada ya kwanza 5. Uzamili 6. Zingine
5. Kazi: _____
6. Je, unaishi katika kitongoji gani? _____

II. PERSONAL OPINION ABOUT CHILDREN AND CHILD ADOPTION

1. Je, una watoto wako wa kibaiologia
2. Je, ungetenda kuwa na watoto wako wa kibaiologia? 1. Ndio 2. La
3. Gani kati ya kauli hizi huelezea vizuri maoni yako ya watoto katika jamii? (Tafadhali chagua mbili).
1. Kuwa na watoto ni wajibu na sio chaguo
 2. Kama huna watoto wako wa kibaiologia hauheshimiwi na watu wa rika yako
 3. Watoto wa kike ni chanzo cha utajiri ilhali wa kiume huibeba jina la familia, hivyo basi kuhakikisha uendekezaji
 4. Watoto wata watumza wazazi wao wakiwa wazee
 5. Bila watoto wako wa kibaiologia wewe sio binadamu kamili
 6. Watoto ni ishara ya mali, kama vile mbuzi na ngombe
 7. Familia isiyokuwa na watoto sio faimlia
4. Kama wewe na mpenzi wako hamwezi kupata watoto, ni chaguo gani mbili ambazo mwaweza kufikiria kutumia...
1. Kuwa na bibi au bwana mwingine
 2. Jaribu kupata matibabu
 3. Pata mtoto kutoka kwa jamaa yako
 4. Pata mtoto kisheria
 5. Kumchukua mtoto kutoka mitaani
5. Je, umewahi kukuza au kumpata mtoto kisheria? 1. Ndio 2. La
6. Je, wajua pale ambapo mtu aweza kumkuza au kumpata mtoto kisheria ambaye siye jamaa yake?
1. Ndio
- | | | | |
|-----------------------|--------------------------|---------------------|--------------------------|
| a. Mwenzi wake | <input type="checkbox"/> | d. Jirani | <input type="checkbox"/> |
| b. Jamaa | <input type="checkbox"/> | e. Rafiki | <input type="checkbox"/> |
| c. Marafiki wa karibu | <input type="checkbox"/> | f. Rafiki wa rafiki | <input type="checkbox"/> |
2. La
7. Maoni yako kuhusu kumkuza au kumpata mtoto kisheria ni yapi...
1. Nzuri sana
 2. Nzuri
 3. Sio nzuri
 4. Sio nzuri kamwe
- Tafadhali nipe sababu moja kwa maoni yako _____
8. Ni nini kitu cha kwanza kinacho kuja akilini mwako kuhusu kumpata au kumkuza mtoto kisheria?

9. Kwa maoni yako, watu wengi wanakubali au wanakataa kumpata au kumkuza mtoto kisherisa?

1. Wanakubali 2. Wanakataa

10. Kuna uwezekano upi ya kuwa jamaa za mbali za wazazi waliompata au kumkuza mtoto kisheria watamkubali motto kwa kiwango kile ambacho wangewakubali watoto wao wa kibaiologia...?

1. Yawezekana sana 2. Yawezekana 3. Haiwezekani 4. Haiwezekani kamwe

11. Kuna uwezekano upi ya kuwa wazazi wanaowapata au kuwakuza watoto wao kisheria watawapenda watoto hao kwa kiwango ambacho wangewapenda watoto wao wa kibaiologia...?

1. Yawezekana sana 2. Yawezekana 3. Haiwezekani 4. Haiwezekani kamwe

12. Jamaa wako wa karibu au rafiki yako hawangeweza kuwapata watoto kibaiologia, Ugependekeza wafanyeje:

1. Kumtafuta bibi au bwana mwingine 2. Jaribu matibabu
3. Kumpata au kumkuza mtoto kisheria 4. Kumpata mtoto kutoka kwa jamaa
5. Kumchukua mtoto kutoka mitaani

13. Tafadhali eleza kwa maneno yasiyopita matano ni nini kile kumkuza au kumpata motto kisheria inamaanisha kwako...

14. Ungetaka kumkuza au kumpata mtoto kisheria, Ni zipi kati ya mahala hizi unawezakwenda kumpata au kumkuza mtoto kisheria?

1. Kanisani kwako 2. Nyumba za kuwakuza watoto yatima
3. Marafiki au majirani 4. Mahala pengine Gani? _____

15. Ni mara ngapi wewe husikia maneno haya?

a. Mara nyingi sana

b. Mara nyingi

c. Nadra

d. Kamwe

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|--------------------------|
| 1. Kumpata au kumkuza mtoto kisheria usiyehusiana naye ni jambo la mzungu | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Unapompata au kumkuza mtoto kisheria ni kanakwamba unamnua mtoto huyo | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Watoto wanao patwa au kukuzwa kisheria ni watoto wachafu | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Usipozaa watoto wako wewe sio binadamu kamili | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Ni mbaya kumchukua mtoto wa mwanamke mwingine | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Kumpata au kumkuza mtoto kisheria usiyehusiana naye sio kitendo cha Kiafrika | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

16. Unakubaliana na matamshi haya? Jibu ndio au la

- | | | |
|---|----------------------------------|--------------------------------|
| 1. Kumpata au kumkuza mtoto kisheria usiyehusiana naye ni jambo la mzungu | 1. Ndio <input type="checkbox"/> | 2. La <input type="checkbox"/> |
| 2. Unapompata au kumkuza mtoto kisheria ni kanakwamba unamnua mtoto huyo | 1. Ndio <input type="checkbox"/> | 2. La <input type="checkbox"/> |
| 3. Watoto wanao patwa au kukuzwa kisheria ni watoto wachafu | 1. Ndio <input type="checkbox"/> | 2. La <input type="checkbox"/> |
| 4. Usipoweza kuzaa watoto wako mwenyewe wewe si binadamu kamili | 1. Ndio <input type="checkbox"/> | 2. La <input type="checkbox"/> |
| 5. Ni mbaya kumchukua mtoto wa mwanamke mwingine | 1. Ndio <input type="checkbox"/> | 2. La <input type="checkbox"/> |
| 6. Kumpata au kumkuza mtoto kisheria usiyehusiana naye sio kitendo cha Kiafrika | 1. Ndio <input type="checkbox"/> | 2. La <input type="checkbox"/> |
| 7. Kumpata au kumkuza mtoto kisheria ni kitendo cha matajiri peke yao | 1. Ndio <input type="checkbox"/> | 2. La <input type="checkbox"/> |

17. Je, waweza kufikiria kumpata au kumkuza mtoto kisheria kama hungeweza kupata watoto wako wa kibaiologia?

1. Dhahiri ndio 2. Ndio 3. La 4. Dhahiri la

Tafadhali patiana sababu moja _____

18. Ni kwa nini waweza kutofikiria kupata au kukuza mtoto kisheria?

1. Ni bei ghali sana 2. Fikira ambazo familia, marafiki na jamii watakuwa nazo kumhusu mtoto huyo
3. Mahakama, wakili na mchakato wa kisheria

19. Ukifikiria kupata au kukuza mtoto kisheria, tafadhali onyesha kama itakuwa wasiwasi kuu...

	a. Wasiwasi ndogo	b. Au wasiwasi kamwe	c. Kwako
1. Watu watadhani huwezi kuwazaa watoto wako mwenyewe	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Watu watadhani umeiba mtoto huyo	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Utakavyo waelezea wazazi wako na marafiki zako kuwa umempata au kumkuza mtoto kisheria	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Pesa nyingi ya kulipa ya mchakato ya kisheria	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Kungoja muda ambao mchakato huo wa kukuza mtoto kisheria utachukua	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Pahala katika jamii ya mtoto huyo	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Mtoto huyo atawatafuta wazazi wake wa kibaiologia atakapo kuwa mkubwa	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Wazazi wa kibaiologia wataamchukua mtoto	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Kupambana na shida za kiafya na matibabu ambazo zitatokea kwa mtoto huyo hapo baadaye	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

20. Je, wadhani watoto wanaopatwa au kukuzwa kisheria wana usawa (a) uwezekano mkubwa (b) uwezekano mdogo (c) kuwashinda watoto wengine kuwa na...?

1. Shida shuleni 2. Shida za kitabia 3. Shida za madawa za kulevya 4. Shida za kiafya

Je, wadhani watoto wanaopatwa au kukuzwa kisheria wana usawa (a), uwezekano mkubwa (b), au uwezekano mdogo (c) kuwashinda watoto wengine kuwa...?

1. Kujirekebisha vizuri 2. Na furaha 3. Ujasiri wa ndani

Ahsante sana kwa muda wako na unyenyekevu wako wa kujibu utafiti huu wa dodoso!

Optional

Saini _____

Contact number _____