

UNIVERSITY OF NAIROBI

**WHAT INFORMS THE CHOICE OF ADOPTION OF CHILDREN AMONG PROSPECTIVE
ADOPTIVE PARENTS IN NAIROBI? //**

BY

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REQUIREMENTS FOR THE AWARD OF THE DEGREE OF MASTERS IN MEDICAL
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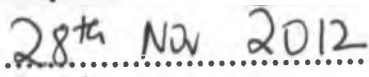


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DECLARATION

This project paper is my original work and has not been presented for any study programme in any other university.


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This project has been submitted for examination with my approval as University Supervisor

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DEDICATION

This work is dedicated to the memory of my dad the late mwalimu Ngigi wa Karangu and my dear mother Elizabeth. Both the greatest teachers I ever had.

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I thank God for this far He has brought me. My Sincere gratitude to my supervisor, the – indefatigable- Doctor Ocharo for being a great supervisor. I learnt a lot and gained confidence. Thank you Mwalimu for the lessons. Am also grateful to the post graduate board of UoN for extending my study period.

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List of Acronyms

- ACRWC – African Charter on the Rights and Welfare of the Child (1990)
- CA – The Children Act (2001)
- AFC – Alternative Family Care
- DCS – Department of Children Services
- PAPs – Prospective adoptive parents
- NCCS – National Council for Children Services
- NGO – Non Governmental Organization
- UNCRC – United Nations Convention on the Rights of the Child

ABSTRACT

The study “What informs the choice of adoption among prospective adoptive parents in Nairobi?” sought to find out the socio-cultural, economic and other factors that influence prospective adoptive parents’ decision to adopt a child in Nairobi. While international instruments and national legislation emphasize that adoption is for the best interest of the child which are paramount, this study chose to approach the subject from the angle of prospective adoptive parents (PAPs). Through adoption they not only offer a permanent alternative family and legal protection to a deserving child but also incorporate additional family members into their families.

Data for the study came from identified prospective adoptive parents who were already in the process of adopting a child in Nairobi. These were sampled proportionately from the four adoption societies in Nairobi and were interviewed using a self administered structured questionnaire with both closed and open questions. To augment primary data, key duty bearers were interviewed and other stakeholders were engaged in focus group discussions. Secondary data included relevant literature sourced from among others the secretariat of the adoption committee and Libraries.

In Chapter two, review of relevant Literature is presented. The chapter discusses the main concepts and trends of adoption decisions in Kenya as well as other parts of the world. Adoption procedures and structures are defined and discussed. The study, in addition covers certain particular theoretical orientations used in discussing the adoption debate. This study had its own scope and limitations.

Chapter 3 covers the study methodology employed to gather both primary and secondary data. Given the complexity and dynamic nature of the subject of the study, quantitative data and qualitative data collection methods were utilized to create synergy.

Chapter four presents exciting study findings regarding characteristics of PAPs where 82 percent of field study respondents were found to be Kenyans and the remaining 18 per cent were drawn mainly from Europe. Among Kenyan PAPs, 42.7 percent were found to be from the Kikuyu ethnic community followed by the Kamba at 10.7 percent, the Luo were at 9.3 percent and the Luhya at 5.3 percent. The lowest representation was from Embu, Indian, Maasai and Meru at 1.3 percent each. These only represent a bit of demographic characteristics of the adoptive families. Main study findings were that majority, at 69 percent did not have children and were looking up to adoption to become parents. A significant 31 per cent of respondents were however already parents 36.1 percent of them through having biological children, 46.8 percent through previous adoption and 17.1 percent biologically and previous adoption. This category had decided to expand their families through adoption. In addition, they were found to be mainly motivated by the desire to help a deserving child (philanthropy) at 86.7 percent. Most respondents described the need to be parents as a self actualization one, thus equivalent to the highest in Maslow's hierarchy of needs and consistent with highly successful people. The study also found that although majority of respondents at 97.5 percent subscribed to a religious persuasion, they however did not ascribe their decision to adopt a child to their religious beliefs.

Finally chapter five gives recommendations based on the study findings. Generally, some of the findings reveal issues for legal consideration as well as issues requiring operational reviews and policy structuring in how Kenya's adoption procedures and institutions are managed. For instance, in terms of the socio-cultural factors behind adoption choices, it is significant to note that many families prefer female children as opposed to male children. This requires state preparedness in dealing with legal reviews to allow more females to adopt male children. In the meantime policy interventions are required to deal with a predominantly male population of children growing up in CCI. Factors of land pressure and economic difficulties may explain this revelation; it is up to the government to develop suitable responses based on the statistics given. This is the last chapter in the

work, and makes several other recommendations. The idea for further academic research into the issue is followed throughout the presentations of the findings as well as in this chapter.

1.0 CHAPTER ONE: INTRODUCTION

1.1 Background

Adoption is one of the services designed for the welfare of the child. It falls under human welfare services designed for those individuals in society who are unable to meet some of their needs on their own.

Generally, a human service is a term that reflects the need for society to help its members live adequate and rewarding lives. (Eriksen, 1977). Human services has emerged in response to the increase of human problems in our modern world(Mehr,1986).Howard and Maloney (1998) state that human service problems always involve a complicated blend of biological, psychosocial ,economic and social factors. They go on to state that the problems people experience can be rooted in family backgrounds ,education, economics, disease, disability, self concepts or legal matters. Human service activity is the act of people helping others to meet their needs in an organized social context. The human service worker attempts to find ways to help the client satisfy his or her unmet needs, according to Howard and Maloney (ibid) .They further state that human service intervention on human needs is the essential task in determining service delivery. There are many concepts that propose definitions of human needs. The different concepts however agree that most people live in a network of social relationships in which they seek external gratification in attending to their needs.

Human service intervention, state Howard and Maloney (ibid) ,can also be required as a result of a sudden disruption in the life of a client. This can happen even where an individual does not expect to become the consumer of human services but suddenly find themselves requiring crisis intervention.

This study focuses on child adoption as a human service area that responds to the needs of children and would be adopters. According to United Nations,(2010) lack of data on adoptions

and limitations in the data available represent a major obstacle to the understanding of the determinants of adoption ,its major trends and changing patterns over space and time. Adoption is currently allowed in 173 out of 195 countries in the world. Of these, 88 have data on both intercountry and domestic adoptions, some 23 have data on overall number of adoption. Intercountry data is available in just a few countries.

United Nations (ibid) also states that adoption is one of the oldest social institutions .Historically, it occurred to preserve and transmit family lines and heritage. The subject still raises highly emotive issues because of its fundamental implications for the meaning of familial ties yet despite heightened interest in issues of adoption; much of the information remains anecdotal.

There are altogether four(4) human service interventions targeting children according to Howard and Maloney (1998) who in describing the child welfare delivery system in the United States(US) state that when families encounter problems providing for the needs and development of their own children, government usually steps in to provide child welfare services. The aim of child welfare services is to support and strengthen families to effectively play their roles. Service providers also intervene where necessary to ensure safety of the children involved. The services are regulated by State and federal laws. Public child welfare services themselves directly provide the services but they may also contract private nonprofit agencies to provide some of the services on their behalf .The private agencies either provide a range of services or specialize in one area for instance adoption or residential care. The following are the four core Child welfare service categories as identified by Howard and Maloney (ibid)

Services to support and strengthen families: The aim of these services is to strengthen the family and avoid unnecessary placement of children outside home. They are designed to

strengthen parents' ability to solve problems and therefore protect and promote the wellbeing of their children. The services included in this category are family resource, support and education services; family centered services and family crises services. An example of family resource support and education is the provision of referrals, while family counseling is an example of family centered service. Intensive family centered crisis services may include crises intervention counseling, alcohol and drug treatment.

Protective services: These are designed to protect children from abuse or neglect such as sexual and physical abuse. In the US, these are offered by a public agency to which such cases are reported. The agency, after substantiating a report of abuse or neglect then proceeds to work with the family in a bid to strengthen it to prevent further abuse. Both the parents' needs and those of the child are addressed. For the latter, it may include removal and placement outside the family on the strength of a court order.

Out of home care services: utilized when a child must be removed from the natural family for placement elsewhere these services include foster care which is placement of a child with non relatives who are considered suitable to offer this service. Kinship care is another out of home intervention where a child is placed with a relative. It is considered less disruptive since the child is still within his or her wider family. Group residential care involves large numbers of children living in a highly structured environment where the children are afforded intensive and planned therapeutic services. There are also residential arrangements for smaller groups called group care where the numbers of children involved are fewer, usually between 4 and 8.

Adoption services: This is the last of these four categories identified and the focus of the proposed study. Adoption services seek to provide a new and permanent family for children

whose birth parents are unable or unwilling to provide them with the love, support and nurturing they need. This Service in the US targets healthy infants, children with special needs (eg children with disabilities, older children) and siblings. The third target group for adoption is children from other countries. According to United Nations (2010) the US accounts for nearly half of total adoptions worldwide. Most children adopted in the US are from China. In 2001 , 46,000 children were adopted from China into the US. United Nations (ibid) gives reasons for adults seeking to adopt children as involuntary infertility and sub fecundity. The author states that for these individuals, adoption is a demographic response to achieve a desired family size.

Two International instruments on child welfare expressly recognize adoption: the United Nations Convention on the Rights of the child 1990 (UNCRC) and The Hague Convention on Protection of Children and Cooperation in Respect to Inter-Country Adoptions of 29th May 1993. Article 20 ,Section 1 of (UNCRC) states that; “A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.”

Sections 2 and 3 of Article 20 state that State Parties shall ensure placement to alternative care for such a child. The article lists these alternatives inter alia, foster placement, Kafala of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.”

Kenya became signatory to the UNCRC in 1990 and has domesticated this international Child rights instrument through the Children Act (CA) 2001 whose Section 6 (1) and (2) state that a

child shall have the right to live and be cared for by his parent and where it is in his best interest and in accordance with the law he may be separated from his parent and the best alternative care available shall be provided for the child.

Generally, Kenya's response to children who are in need of alternative care has been to resort to orphanages, charitable children's Homes (CCIs) or simply children's homes as they are popularly known. Njoka and Williams (2008) (unpublished) argue that since Kenya attained its independence, institutional care of vulnerable children has been widely used as an intervention. They argue that even the current law on children tends to have more provisions on institutional based care than family and community based approaches. This is despite its being inspired by international instruments and good social work practices. Some of the institutions provided for under the CA include rehabilitation Schools and children's remand Homes which are run by the department of Children's services and target children in conflict with the law. **CCI are also provided but** are private institutions run by Non-governmental and faith based organizations to secure accommodation and care to children in need. According to Children (Charitable children's institution) regulations, 2005, they are registered by the NCCS. In addition to children's institutions established under the CA, there exist Borstal institutions established under the Borstal institutions Act (CAP 92). These are run by the prisons department to cater for the rehabilitation and correction of offenders aged between 15 and 18 years old.

The CA also makes provisions for family based alternative interventions including adoption, Foster care and Guardianship. According to sources at the department of children services, It has however been observed that some Community responses to disadvantaged children do not conform to legally prescribed alternative care methods though they may stem from a sense of

community responsibility attempting to respond to needy children. Such responses include but are not limited to: Relatives (kin) and well-wishers taking in orphans in what is loosely referred to as 'Kinship foster care or even "adoption." These arrangements closely resemble de facto adoption and fostering as described by United Nations (2009) a practice found among several traditional societies in America and parts of sub-Saharan Africa. According to UN (2009) de facto adoption and fostering means the practice of caring for a child either temporarily or permanently without a legally recognized contract and this has been practiced in many traditional societies though it takes various forms. This may end up as unregulated long term placement in Charitable Children Institutions, children living alone in 'child headed households while others leave their homes to live and or work in the streets (street children). Some children are forced into child labor as house helps, farm workers or working in industries. Unaccompanied and separated children including refugees and internally displaced (the latter more markedly after the post election violence of 2007/8) are common targets of these arrangements. These unregulated approaches often ignore the basic principles of alternative care namely necessity and appropriateness; that care option chosen for each child must be tailored for their individual needs. As a result some of the children are denied an ideally nurturing environment thereby becoming vulnerable and even victims of child abuse.

Intercountry adoption is also relevant to this study given that there are foreigners who adopt children from Kenya. Harvey (2007), states that; European and Scandinavian countries e.g. The Netherlands, Finland and Sweden currently have few or no local adoptions. In Sweden for instance, an upward trend of intercountry adoptions has been observed since the end of the 1960s. The number of children available for adoption inside Western nations has dropped considerably in recent years, partly because of the legalization of abortion and partly because of

the increased acceptance of single parenthood, and partly because of the publicity surrounding past practices of forcing unwed mothers to relinquish their children for adoption. The author states that this has made Swedish adults, many of them childless to look to Africa, South America, Asia and Eastern Europe. While in Sweden people make the decision to adopt for various reasons, inability to have a biological child remains the most common reason and the most common obstacle to producing a first or even a subsequent biological child. The cause of infertility amongst married couples is found to be medical reasons relating either to the man or woman in a couple. At times however, the cause is unexplained altogether leading to a situation of involuntary childlessness which even medical interventions like Intra Vitro Fertilization(IVF) are unable to deal with or a couple eventually tires of. The situation of childlessness may cause the couple untold grief.

1. 2 Problem statement

The research findings herein confirm that there is more to successful adoption of children than the availability of children who are abandoned, orphaned or given up by their birth parents i.e. children who can be declared free for adoption in line with the requirement for appropriateness of placement in alternative family care. 50 percent of the current population of Kenya consists of children. Among these are a large number of orphans whose number was estimated at 2.4 million in 2005 by the National AIDS Control Council (NACC). Of this figure, 470,000 were double orphans. Orphan hood in Kenya is caused by reasons including road/ traffic accidents, emergencies, diseases, and AIDS related deaths which accounted for 60% orphan hood in 2005. This situation has gravely strained the customary support system offered to children through the extended family networks. Kenya has also the phenomena of abandoned children which has

arisen due to various reasons such as births from unwanted pregnancies, inability of parents to cope due to high poverty levels, babies resulting from rape incidents, child mothers among other reasons.

That many such children languish in long term institutional care, foster care and de facto adoptions in this day in age is not in doubt as stated by Mbuga (2007) Given the large numbers of children needing permanent care in Kenya, with a legal framework in place, it is therefore not good enough that only an average 200 children are registered in the adopted children's register annually. Much has to do with understanding the factors that influence those parents who come forward to adopt children in Nairobi.

According to UN (2009), lack of data on adoptions and limitations in the data available represent a major obstacle to the understanding of the determinants of adoption; specifically, information on the characteristics of adoptive parents is severely limited.

This study has looked at characteristics of prospective adoptive parents. According to Harvey (2007) the West has identified infertility as the key motivating factor to adopt. It comes out as the main push factor for adults seeking to adopt. United Nations (2010) gives reasons for adults seeking to adopt children as involuntary infertility and sub fecundity. This is also a factor though not the only one in Kenya where traditionally, infertility drew stigma. Jomo Kenyatta (1965) writes that the desire to have children is deep rooted in the hearts of both man and woman and on entering into matrimonial union they regard procreation of children as their first and most sacred duty.

The study examined the socio-cultural, economic and psychological factors as they influence the decision to adopt among PAPs in Nairobi; both Kenyan and foreigners who make up their minds to adopt and are in Nairobi for the processing of adoption. The study findings will go towards building

the body of knowledge around prospective adoptive parents. In her thesis, Mbuga (2007) specifically recommends further research into what factors motivate foreigners to adopt Kenyan children.

1.3 Research questions

1. What are the characteristics of prospective adoptive parents (PAPs) in Nairobi?
2. What are the factors that influence their decision to want to adopt a child?

1.4 Broad objective

To assess the factors which explain the choice to adopt children by qualifying adults in Nairobi.

1.5 Specific objectives

1. To assess levels of awareness of adoption procedures and requirements among prospective adoptive parents in Nairobi.
2. To examine the socio –cultural, socio-economic and psychological factors that influence their decision to want to adopt children.
3. To examine socio –cultural factors influencing their preferred choice of child to adopt.

1.6 Scope and limitations of the study

The study targeted adults (both men and women) aged between 25-65 years of age who were at various stages of adopting a first, or subsequent child. The prospective adopters were interviewed in any of the two stages that are key in an adoption in as follows: during the arrangements part which is the period after they had been assessed as suitable prospective adoptive parents by an adoption society and were awaiting to be placed with a suitable child, or when they had already been found suitable and placed with a child for the purposes of bonding during the mandatory 3 month placement period

prior to adoption under section 157 of the children Act . At this stage they or a responsible adoption society can terminate the arrangements.

Secondly, the study interviewed those prospective adopters who have successfully completed the 3 months period and filed an adoption matter before the High Court of Kenya at Nairobi. They were undergoing the Court process that leads to the final pronouncement of an adoption decree. This is the legal part of an adoption process. It can only be brought to an end by an order of the court.

Proportionate probability and simple random sampling methods were used to get the study sample.

The study examined the respondent's level of awareness of adoption procedures and requirements as spelt out in Kenya's legal provisions on adoption in the Children Act ,Children (Adoption) regulations, and the Hague convention. Bio data characteristics such as age, sex, date of birth, highest academic qualifications, and occupations were examined. The study examined the following factors that influence those who meet the legal requirements to make the decision to adopt children: Cultural background, including their belief system, nationality and ethnic background as well as marital status. Socio- economic factors examined include level of earnings, property ownership and savings, Psychological factors measured include attitude and perceptions of PAPs towards adoption as a way of starting or even expanding a family. Finally, the study examined socio-cultural factors that influence the PAPs 'preferred choice of a child to adopt on the basis of the latter's gender, age, and racial/ethnic background.

The location of the study was all four adoption societies and the secretariat of the adoption committee all found within the county known as city of Nairobi (Government press 2010). The specific sites in the county were identified in consideration of the financial and time resources available for the research. Through the sites both local and international adopters were accessible as respondents. Following a gazette notice (2003) directive by the Hon the Chief Justice, intercountry adoptions (where Kenya is the sending country) are only heard at the family division of the High Court in Nairobi.

1.7 Operational definitions

Adoption- the judicial act which establishes a permanent legal parent-child relationship between a child and an adult who is not the child's biological parent and at the same time terminates the legal parent-child relationship between the child so adopted and the biological parent or parents. It results in severing the parental responsibilities and rights of the biological parents and transferring them onto the adoptive parents.

Adoption Committee- established under Children Act Sec 155 and derived from The Hague Convention. The committee is charged with formulating the governing policy on matters of adoption, registering and monitoring adoption societies, licensing international adoption societies and approving individual foreign adoptions among other functions. Its membership of 10 is multi disciplinary and the Director of Children Services, also a member, is the secretary to the committee.

Adoption Secretariat -the administrative unit established to implement the functions and decisions of the Adoption Committee.

Adoption society - a body registered under section 177 of the Act by the National Adoption Committee to make adoption arrangements.

Certificate of Conformity - a certificate issued in accordance with article 23 of the Hague Convention;

Charitable Children's Institutions (CCI) -private institutions run by Non-governmental and faith based organizations that secure accommodation and care to children in need registered by the National council for Children services (NCCS).

Child- a human being under the age of 18 years

Convention country- a country which is a Contracting State and party to the Hague Convention;

Foster care: temporary placement of a child with a person who is not a child's parent, relative or guardian but who is willing to undertake the care and maintenance of that child. In foster care a child does not acquire any legal rights like inheritance rights but retains the legal rights from the family of origin.

Foreign adoption agency -a society other than a local adoption society registered under the Act and which has been approved by the Adoption Committee.

Guardianship- the appointment of a person by will or deed by a parent of a child or by an order of court to assume parental responsibility for the child upon the death of the parent either alone or in conjunction with the surviving parent of the child or a father for a child born out of wedlock who has acquired parental responsibility in accordance with the provision of the Children Act.

home study report- a report of an assessment carried out or approved by an adoption society or foreign adoption agency or any other body authorized by a competent authority in respect of the

home background and situation of a prospective adoptive parent as to suitability or otherwise to be an adoptive parent;

Placement- means an arrangement where a child is put under the care and control of a prospective adoptive parent for a period not less than three months pursuant to the proviso to section 157 of the Act and the Constitution Section 53(E);

Prospective adoptive parent- a parent who wishes to adopt and has been assessed as suitable to adopt by an adoption agency .

Receiving State or receiving country means the country to which the adopted child will be moved to ordinarily reside following the grant of an adoption order.

State of origin - the Convention country where a child is habitually resident and from which a child is emigrating in connection with his or her adoption;

The Hague Convention- the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 29th May, 1993.

2.0 CHAPTER TWO: LITERATURE REVIEW

2.1 Historical Background of Adoption practice and Law

United Nations , (2010) states that Adoption is one of the oldest social institutions and it may be as old as society itself according to Benet (1976). Literary and legal sources dating back to almost four millennia indicate that adoption was widely practiced in many ancient societies and was part of traditional law of many Eurasian Societies Brosnan(1922);Huard(1956);Goody(1969). The information available on specific laws is highly fragmented though. However, it is clear from observation that the practice of adoption has throughout history been governed under a set of laws. One of the earliest legal texts referring to adoption is the Code of Hammurabi dating from 18th Century BC .The code granted adopted children equal rights to those of birth children but only male children could be adopted. Ancient Greek Laws also had provisions for adoption as did Roman Laws under which Justinian law stated in part that a person could not adopt someone older as it would be unnatural for a son to be older than his father. Roumy (1999) states that by' insisting that adoptions imitate nature, medieval jurists encouraged the perception that adoptive filiations were inferior to natural filiations. These earliest recorded laws are referred as adoption laws in antiquity. United Nations(ibid).The publication adds that during the middle ages, adoption as a legal practice fell into disuse or in some cases like 16th Century France, the period was marked as the critical turning point marking the disappearance of adoption in French Law. Gager(1996). Nevertheless, in some parts of Medieval Europe, the institution of adoption as outlined in antique Roman law was preserved. During the middle ages and the early Modern era, other means of providing for children deprived of parental care also became widespread. For instance foundling homes for

orphans and abandoned children were first created during the twelfth and thirteenth centuries Kertzer(2000)with Catherine the Great opening the first Foundling Home in 1764. According to Ransell (1988),the purpose of the home was to rescue abandoned or orphaned children to rear them to become the so called third estate or Mercantile class. There is evidence that children from the Foundling home in Moscow were sometimes adopted though infrequently and informally. Foundling Homes were also found in Florence and Paris and evidence suggests that though annual admissions peaked during the first half of the 19th Century, children were not adopted from there. This, according to Fuschs (1984) is because in France abandoned children were stigmatized because they were perceived to be illegitimate.

2.2. Adoption Law in Modern Era

Some of the concepts found in antique laws have been preserved in Modern law. Indeed modern adoption laws according to United Nations (2010) have been profoundly influenced by Western Jurisprudence. The Napoleonic Code also known as the French Civil code is probably the most *influential adoption* law of the modern era and it was largely based on antic Roman law. The Napoleonic code limited adoption to persons who were already adults over 50 and had neither children nor legitimate descendants. Prospective adoptive parents also had to be 15 years older than the person they proposed to adopt. Adopted persons had the right to inherit from adoptive parents. In the nineteenth Century, economic and social conditions changed and orphanages in the US began to be perceived as an unacceptable system for dealing with parentless children. The institutions were becoming overwhelmed by the number of destitute children needing care. Triseliotis and others (1997). High mortality rates and high costs of running the orphanages also

made them less popular. Slowly a practice of placing a needy child with a family gained popularity over institutionalization in the US, Australia and Newzealand.

According to United Nations (ibid) the Massachusets Adoption of Children Act enacted in 1851 is widely recognized as the first modern adoption law. Its requirements for prospective adoptive parents included that they be a wife and husband. They were to be assessed as having sufficient ability to bring up a child by a judge. Birth parents were required to give written consent and adoption under this law was a complete severance of the child from its family of origin. Sokoloff (1993)

Examples of countries that promulgated adoption laws between 1851 and 1956 were Germany, Switzerland, Sweden, South Africa, UK, USSR, United Republic of Tanganyika and India. Those that enacted adoption laws between 1920 and 1940 according to United Nations (2010) did so in the aftermath of the First World War and the influenza epidemic of 1918. Similarly a large number enacted adoption laws after the 2nd world war. Tanganyika (United Republic of Tanzania) introduced her first adoption legislation; Adoption of infants ordinance in 1942. It was based on the English Adoption of Children Act 1926 .Rwezaura and Wanitzek .(1988) .

2.3 Influence of social change on adoption Laws and practices

As the purpose for adoption has changed over time, so have adoption laws. Between 1940 and 1980, many countries introduced amendments to earlier legislation. Adoption issues continue to generate debates in courts and policy platforms of many countries. New issues and concerns are likely therefore to lead to further changes in adoption practices. For instance, research focusing on the detrimental effects of institutional care on children's emotional development, according to

Hendrik (2003), led many countries to actively promote adoption of children living in foster or institutional care who cannot be reunited with their birth families. Pecora and others(2000) State that in the US, President Clinton called for the doubling of the number of adoptions placed in public care by 2002 by introducing incentives and increasing financial support to persons who adopted children.

Intercountry adoption is another debate arena in adoption circles. Intercountry adoption gained momentum after the Second World war when orphaned children were sent from Germany, Greece and Japan to new homes in the US (Masson 2001) .Since it had not been widely practiced before, many countries did not have intercountry adoption legal frameworks in place. Some countries have recently taken limits to intercountry adoption. Harvey (2007) writes that the fact that abandoned and other children in difficult circumstances are wanted in other countries has changed the general view of these children in their own countries thereby increasing domestic adoptions. Adoption by step parents and other relatives is another emerging area. Some legislations in the U.S favour it by making certain exemptions, while other jurisdictions like NewZealand do not encourage adoption by kin arguing that it distorts biological family relationships. Interracial adoption is another contentious legal issue in some countries such as the US. The right of adopted persons to have access to information about their birth families is also not fully agreed on with some opening the birth information to adopted persons and other jurisdictions tending to secrecy. Generally, United Nations (2010) argues that adoption of children still raises highly emotive issues because of its fundamental implications for the meaning of familial ties.

2.4 Development of adoption Law in Kenya.

It has been argued that some form of adoption existed in the cultural traditions of some Kenyan communities. UN (2009) states that among East African Pastoral peoples, it is still quite common for infertile or childless women to adopt children from co-wives or other female relatives while among the Kikuyu, clan members had the option of adopting an orphaned child or the child of an adulterous relationship who would have otherwise been put to death. Kenya's development of adoption law started with the Adoption ordinances of 1933 and subsequently the adoption act of 1963 (repealed 2001) One of the latter's memorable provisions outlawed adoption across racial lines. Adoption in Kenya is currently governed by the children Act 2001 and the The Children (Adoption) Regulations, 2005. Interestingly, this law brought on board intercountry adoption which includes interracial adoption. After Kenya became state party to the UN –CRC, one of her focus was to bring laws affecting children in line with that international instrument whose focal point is the child's best interest. By becoming party to the UN-CRC, Kenya was subscribing to globalization. According to Giddens (2001) "globalization is the growing interdependence between different peoples, regions and countries in the world as social and economic relationships come to stretch worldwide" The UN-CRC instrument is underpinned by four basic principles of survival, protection, development and participation. Member states are required to implement this. As a result, Kenya decided to review the existing laws on children which included the law on adoption. The resultant piece of legislation known as the children Act 2001 amalgamated three of the key laws focusing on children- the adoption Act (cap 143) children and young person's Act (Cap 141) and guardianship of infants Act (Cap 144)

The UNCRC is in relation to adoption supported by The Hague Convention on Protection of Children and Cooperation in Respect to Inter-Country Adoptions of 29th May 1993. Hague

Conference on Private Law(2008) states that; Without conferring any additional child rights, the 1993 Convention seeks to help homeless children of the world to find a family thus helping to implement the UNCRC, by reinforcing and augmenting its broad principles .To achieve this goal, it provides substantive safeguards and procedures.

It is believed that both these international instruments share the fundamental principle which “Recognizes that the child, for full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding” That the family is the fundamental unit of society. Kenya is now a party by accession to the said Hague convention since 1st June, 2007.

Regionally, the African Charter on the Rights and Welfare of the Child (ACRWC) which was adopted in 1990 and came into force in 1999 is the instrument that gives direction to childwelfare issues for African member states. Article 16 (1) obligates state parties to take protective measures on behalf of the child. It states, “State parties to the present charter shall take specific legislative, administrative, social and educational measures to protect the child from all forms of torture, inhuman or degrading treatment and especially physical or mental injury or abuse, neglect or maltreatment including sexual abuse, while in care of parent, legal guardian or school authority or any other person who has care of the child.

2.5 Key provisions and structures governing adoption in Kenya

The Children Act (2001) in its preamble states that the CA is; “An Act of Parliament to make provision for parental responsibility, fostering, adoption, custody, maintenance, guardianship, care and protection of children; to make provision for the administration of children’s institutions; to give effect

to the principles of the United Nations Convention on the Rights of Child and African Charter on the Rights and Welfare of the Child and connected purposes.”

It makes provisions for adoption under part thirteen. Section 171(1) sums up the effects of an adoption order stating that “Upon an order being made, all rights, duties, obligations, and liabilities of the parents or guardians of child in relation to the future custody ,maintenance and education of the child, including all rights to appoint a guardian and to consent or give notice of dissent to marriage, shall be extinguished, and all such rights, duties obligations and liabilities shall vest in and be exercisable by and enforceable against the adopter as if the child were born to the adopter inside marriage ...and the child shall stand to the adopter as a child inside marriage.” The provision in its sub section 3 also states that the adopter and adoptee shall be deemed to be within the prohibited degrees of consanguinity. The adoption order is final binding and cannot be recanted. The Children (Adoption) Regulations, 2005 supplement the CA (2001) in governing adoptions in Kenya.

The CA (2001) provides for two main types of adoption i.e. Local Adoptions and international adoptions The former can be conducted in respect of a child upon the application of Kenyans provided that they meet the legal requirements .International Adoptions on the other hand can be conducted in respect of a child upon the application of non Kenyans provided that legal requirements to that effect are met. International Adoptions are processed through an approved foreign adoption agency in conjunction with a Kenyan adoption society registered to make international adoption arrangements. The applications must be approved by the Adoption Committee before the applicants are allowed to travel to Kenya and be placed with a child. The Adoption Committee which is the designated Central Authority for Kenya is established by the Children Act and the structure derived from the Hague

Convention of 1993 .It is operationalised through the adoption regulations (2005).The first Adoption Committee was gazetted in May 2005.

The Children Act Under sec 158 provides for two categories of people who may adopt

- A sole applicant or jointly two spouses where each or one of them is at least 25 years old and at least 21 years older than the child.
- A relative of the child
- The mother or father of the child.

Under sec 158(2) of the Children Act, the following may adopt only if the court is satisfied that there are special circumstances.

- A sole male applicant in respect of a female child.
- A sole female applicant in respect of a male child.
- An applicant or joint applicants who has or both have attained 65 years old.

The Act under Sec 158 (3) precludes certain individuals from adopting. These include

- A person who is not of sound mind.
- A person who has been charged or convicted previously of a child abuse offense
- A homosexual.
- Joint applicants who are not married to each other.
- A sole foreign male applicant.

It also addresses the pertinent issue of Consents in Adoption sec 159 and states that before any adoption is affected, consent is required:

- From parents, guardians or any person having parental responsibility over a child to be adopted.
- For people not resident in Kenya, the consent of their courts or competent authority.
- Consent of a child who has attained the age of 14-this largely caters for the right of participation one of the principles enshrined in the UNCRC which states that a child has the right to be heard and his views taken into account in accordance with his /her age and maturity. Consents of parents or guardians can be dispensed with in case they have abandoned or neglected their children or cannot be found or are unnecessarily withholding consent or spouses who are divorced and are living apart and such separation is likely to be permanent.

Key structures in the adoption process in Kenya include the following:

Judiciary – High Court: Adoption proceedings can only be conducted in the High Court of Kenya according to CA. No magistrate court is allowed to conduct an adoption case. In Nairobi, it is done in the Family Division in the High Court of Kenya and in other High court stations areas by a High Court Judge. There are 17 High Court stations country wide. Each county is set to have a High Court station as per the Constitution (2010)

The Adoption Committee: The Adoption Committee is administratively designated as the Central Authority for Kenya. It is provided for in the C A Sec 155 and derived from the Hague Convention. The first Adoption Committee was gazetted in May 2005. The committee is charged with formulating the governing policy on matters of adoption, registering and monitoring adoption societies, licensing international adoption societies and approving individual foreign adoptions among other functions. In the spirit of progressiveness that clearly speaks into social

change, the adoption committee while fulfilling its mandate of formulating the governing policy in matters of adoption; has developed policy statements speaking into some lacunae in the law on legal provisions on adoption in Kenya by making policy guidelines on: Foreign residents adopting in Kenya, spelling out special circumstances in relation to adoption, and Kinship adoptions. These are available for informing the High court in its duty of deciding on adoption matters. The policy guidelines have also been used to inform legal amendments such draft children's amendment bill 2011 and draft adoption regulations 2011.

Department of Children Services (DCS): The department of children's services provides a secretariat to the Adoption Committee. The Director of Children Services also provides independent children officers' report as envisaged under section 78 of the Children Act. This is done whenever the High Court in whose jurisdiction lies adoption matter orders for the same.

Adoption Societies: There are four local registered Adoption Societies authorized to carry out arrangements for both local and international adoption. Their licenses are renewable annually. They are Little Angels Network, Kenya Children's Home, Child Welfare Society of Kenya, Kenyans to Kenyans Peace Initiative.

Law Society of Kenya (LSK): Advocates of the High Court of Kenya are mandated to file adoption matters, they are represented on the adoption committee and the current chair of Adoption Committee is an LSK representative.

Other important institutional stakeholders to the adoption process include the Registrar General who maintains the adopted children's register as per section 169 of CA, Ministry of Immigration and Registration of Persons (Department of Immigration) issues travel documents and passports for adopted children. Charitable Children's Institutions (CCIs) which are home to most of the children prior to adoption are also key stakeholders in adoption.

2.6 Steps taken in an adoption under Kenyan Legal provisions

The Act stipulates main steps in an adoption which include the arrangement stage conducted by a duly registered adoption society. Kenya currently has 4 registered adoption societies which are charged with the duty to declare a child as free for adoption as per sec 156 of the Children Act. This is to ensure that a particular child is indeed available for adoption by having been abandoned or given up by the birth parent(s). Nevertheless no such arrangements should commence before such a child is 6 weeks old. Adoption societies are also under sec 157 charged with the responsibility to assess prospective adoptive parents to find out whether they are suitable to adopt. If they are suitable, then they are placed with a child who has already been declared free for adoption. They are then expected to undergo a mandatory bonding period for three (3) months within the Republic of Kenya while under the supervision of the adoption society that placed them with the child.

If this stage proceeds to the satisfaction of the society, then an adoption application is filed before High Court. If the society is not satisfied with the bonding process it may withdraw the child. The PAPS can also opt out of the process

There are currently seventeen High Court Stations in Kenya. During the first appearance in Court, the appointment of guardian ad litem takes place. The guardian ad litem is responsible to oversee that the child's best interests are safeguarded during the period the matter is undergoing the court process and is expected to make a report to court before the final orders are issued. Their role ends once the court issues final orders unless in the rare circumstance the court may opt to extend their mandate. While the matter is before court, a child may be removed from the care of PAPS only on the order of the court. Also the child can only travel out of the country if the said court issues an order to this effect. In such instances, the child is considered a ward of

the court.

A hearing then takes place during which the court scrutinizes the documents in file for instance the certificate of declaring the child as free for adoption and consents. It also reviews the adoption society's assessment of the applicants, guardian ad litem's report as well as Director Children Services report. Thereafter the court makes a ruling issuing final adoption orders with or without conditions. An Adoption order has the effect of transferring all rights, duties and responsibilities over a child to the adopter as if the adopted child was born to the adopter inside a lawful marriage. The order extinguishes the rights, duties, responsibilities that a parent, guardian or anyone having parental responsibility before the order was made. The court can decline to issue favorable orders.

The next step if the court rules in favor of the adoption is Issuance of Adoption certificate by the Registrar General who maintains the adopted children's register as per sec 169 of the Children Act.

2.7 Need for Research in adoption

From a global perspective, United Nations (2010) observes that despite heightened interest in issues of adoption, much of the information remains anecdotal, data of children adopted domestically is rarely available and when they are, they tend to be out of date. Intercountry data is available in just a few countries although adoption is allowed in 173 out of 195 countries in the world. Of these, 88 have data on both intercountry and domestic, while 23 have data on overall number of adoptions .There are over quarter of a million adoptions every year with the US accounting for nearly half of them.

In Kenya, not much research has been done in the area of adoption. In her thesis, Mbuga (2007) carries out an exploratory academic study from the perspective of children in need of special

protection and how adoption can be used to address their needs. Although the thrust of the her was from the angle of children, one of its findings pointed to the need for more parents willing to adopt to come forward in order to address the needs of her research target population i.e. children in need of special protection. Some of her respondents who were knowledgeable in the requirements and in her assessment qualified, wondered why they should adopt, yet they have their biological children. This study therefore seeks to interrogate what really motivates those who opt to adopt.

Njoka and Williams (2008)(unpublished) in an assessment commissioned by the department of children services and Unicef call for further research in the area of adoption of children. Similarly, a baseline survey GOK 2010 out to assess the levels of awareness on alternative family care in Kenya recommends more research into the issue. The survey found that 59.6 percent of the respondents understood adoption as owning of a child legally with another 31.3 percent reporting that it is the permanent care or custody of a child. Other responses were that adoption is the care for a child who is orphaned (9.7 percent), giving parental responsibility (3.8 percent) and the caring for a child for a lifetime (2.1 percent); The protective measures around adoption, according to the survey are provided by matching adoptable children with prospective adoptive parents through registered adoption societies. This option is not acceptable among the Muslim community as reported by key respondents from North Eastern Province (NEP) due to the Islamic faith to which the overwhelming majorities living there subscribe to. The baseline survey recommends among other things

2.8 Theoretical framework.

2.8.1 Humanistic Theories

Humanistic theory as expounded by Abraham Maslow led the humanistic theory movement. The theory is about the development of the individual and lays emphasis on the basic goodness of human beings and the need to achieve one's full potential. It argues that successful individuals are best placed to make a positive contribution to society and to arrive at this proposition, originators of the theory spent time studying successful individuals who made great contributions to society.

The humanistic approach emphasizes the personal worth of the individual, the centrality of human values, and the creative, active nature of human beings. The approach is optimistic and focuses on noble human capacity to overcome hardship, pain and despair. Humanism views human beings as fundamentally different from other animals mainly because humans are conscious beings capable of thought, reason and language. Rogers (1951) believed that every person can achieve their goals, wishes and desires in life if a number of factors are satisfied. When, or rather if they did so, *self actualization* took place. This is considered to be one of Carl Rogers most important contributions to psychology. He argued that in order to develop fully, an individual needs a nourishing environment.

According to Maslow, fulfilling needs in the correct order would allow individuals become self actualized, fully able persons. Both **Rogers** and **Maslow** regarded personal growth and fulfillment in life as a basic human motive. This means that each person, in different ways, seeks to grow psychologically and continuously enhance themselves. This has been captured by their use of the term **self-actualization** which is about psychological growth, fulfillment and

satisfaction in life. However, Rogers and Maslow both describe different ways of how self-actualization can be achieved. This study chose to utilize Maslow's Hierarchy of Needs to underpin the psychological influences experienced by PAPs and their pursuit to fulfill the same through the adoption of a child.

2.8.2 Maslow's Hierarchy of Needs

In Abraham Maslow's (1968) self actualization theory, he proposes a hierarchy of human needs that is applicable to the human services model. Maslow's concept which is often pictured as a pyramid consists of five levels. At the base are basic physiological needs such as food, oxygen, water shelter and general survival. These are fundamental to life. Safety needs come next and involve the need for a secure and predictable environment. This may mean living in decent housing in a safe neighborhood. The next level of needs is for belongingness and love. This includes intimacy and acceptance from others. These 3 are the lower level needs which once met then esteem needs develop. These relate to recognition by others that a person is confident, has self esteem, is respected, competent and has respect for others. At the very top of the hierarchy exists the need for self-actualization. This has to do with the fulfillment of a person's innate potential as a human being. According to Maslow, self actualized people possess attributes that are consistent with highly successful people- including self acceptance, openness and respect for other individuals.

Maslow offered a broader range of more effective methods in the professional practice of psychotherapy. The Humanistic theories have in turn informed the thinking and delivery of human services such as adoption. Furthermore, some individuals look to adoption in pursuit of

self actualization. The humanistic theory informs human service delivery . Adoption is a human service designed for individuals in society seeking to fulfill certain needs.

2.8.3 Total service provision theory

For the study, a broad conceptual framework integrating a number of theoretical perspectives was preferred. There are many reasons that cause PAPs to be motivated to adopt. Similarly, there are many reasons that cause children to need adoption services. Multifactorial causality, according to Howard and Maloney (1998) is the assumption that any behavior is influenced by many different factors . Like natural science, sociology begins with the assumption that all events have causes argues Giddens (2001). Howard and Maloney (ibid), go on to say that a review of human services literature shows that, no one particular theory predominates. Thus the human services profession is built on a pluralistic theory base because no one particular theoretical perspective adequately addresses the complexities of human nature. The theories employed guided information gathering and provided a framework for interpretation. The study considered existing knowledge on what informs the motivation to adopt by individuals and generate new knowledge. In keeping with the spirit of social science research the new knowledge generated through the study serves the primary purpose of providing knowledge for its own sake. The information may also be found to be useful in helping address practical concerns in the processes of adoption. Kothari C.R (1990) states that research for social science is important in studying social relationships and in seeking answers to various social problems.

Human service workers in the helping profession play a pivotal role in bringing together PAPs and children in crises . To do this effectively, they must interact with each particular individual's Micro social system and at the same time also interact with the Macro social systems. In

adoption human service providers work with individuals and couples within a legal framework which not only creates structures but to which all those involved must subscribe i.e. the Children Act and Adoption (Children) Regulations (2005). The act of adoption itself is a judicial pronouncement of the High Court of Kenya.

2.8.4 Micro and Macro social systems

A total view of the practice field thus involves Micro and Macro social systems at work directed towards the resolution of client problems that are part of a larger and dynamic social system.

2.8.5 Micro social systems

Micro-social systems, state Howard and Maloney include individuals, small groups, families and couples. The clients in this study were individual PAP and their immediate families. They operate in a client system like family relationships, housing, and private law. Micro intervention offered at this level by the human service provider relies on strategies such as direct counseling, individual advocacy action, cases intervention whose aim is to enhance the functioning or alter of social circumstances of a particular individual (PAP in this case). Micro interventions draw on theories of individual change found in psychology, small group sociology and human development. The micro system was considered important for this research as within it lie motivations for individuals to do certain things, (in this case adopt children) and to explain some of their attitudes and opinions.

2.8.6 Macro social systems

These, on the other hand, include large groups, organizations, communities, neighborhoods and bureaucracy. Macro-intervention seems to influence changes within large organizations and intervention at this level uses social action strategies, lobbying and coordination of functions, and canvassing. To inform these strategies they rely on big system theories e.g. formal organization theory which are drawn from sociology, economics and political science according to Whittaker (1975). The adoption client is part of this system as well because they are influenced by social actions such as awareness creation on the subject of adoption and sociological perspectives relating to questions of family composition. Economic and political situations also inform not only the decision by PAPA to adopt but the availability of adoptable children in any given country. To process an adoption, PAPA have to operate within certain bureaucratic requirements largely represented by the human service worker. At the macro level, the human service worker is subject to a formal organization norms being an employee (e.g. social worker) of an adoption agency, government employee with a job description (e.g. children officer) They are expected to liaise with other professionals like lawyers, medical professionals, police service to provide across the board services as needed by the PAPA and children. According to Weber, the expansion of bureaucracy is inevitable in modern societies. Weber was however fearful that bureaucracy has the potential to be suffocating and dehumanizing states Giddens (2001)

The setting at the point of service delivery for PAPA is not static .Both the client and the human service worker move in micro and macro systems in a dynamic process each bound by their social roles. While one is in the client system, the other is in the human service delivery system.

Yet there is a meeting point of mutual needs and values between the PAP and human service providers.

The ecological perspective which suggests that we should be looking for interaction patterns among sets of variables rather than trying to identify single cause –effect relationship was found to be relevant to the study because it is grounded on two basic assumptions: That organisms (in this case the PAPS) are interdependent with their environment and this interdependence implies intricate patterns of connectedness. Secondly, the interaction patterns of organisms and their environments are dynamic, resulting from developmental and adaptive processes. Underpinning this perspective is the **systems theory** which examines interaction within groupings of people such as families, organizations, or communities. Commonality of purpose, communication patterns, and distribution of power are all aspects of interactions within systems. People are in a continual process of adapting to their environment and with the rapid change in society, it is not an easy task argues Howard and Maloney (ibid). In addition, Sociological theories regarding social systems, stratification, role, labeling, deviance, psychological theories regarding motivation, needs and biological theories regarding genetic makeup, hormonal imbalances all combine to help us understand the complex nature of the human condition.

Social change is seen to play a key role in the development of both the practice and legal framework of adoption and the motivations for adoption have changed markedly over time. Societies of the past regarded adoption as a means of preserving family lineage, enabling the continuation of ancestor worship, creating political alliances and ensuring care for adoptive parents in their old age. Derett (1957); Gardner (1998) and Huard (1956). The requirement that PAPS be found suitable to bring up a child by having “sufficient ability to bring up the child and furnish suitable nurture and education” implied a radical departure from the basic concept of the

antique Roman law that was reflective of the social policy of continuing family lineage. In the Massachusetts law, the welfare of the child, rather than the continuity of the adopter's family was given prominence.(UN 2010)

Along with social change, there is a touch of **globalization and modernity** in adoption as well especially in view of intercountry adoptions which involve time and space, modern communication technology and travel during the process. Furthermore, international instruments to which Kenya is a State Party to influence the practice and law of adoption in Kenya.

programmatic influences on economic restructuring of human service delivery systems. To work effectively in any service agency role, the worker must possess a functionally broader knowledge of community resources, case management and strategies, behavior, social policy, political influences and an understanding of what human factors impact the delivery of human services.

2.8.7 Crises intervention

Crisis is an individual's emotional response to a threatening or hazardous situation, not the situation itself according to Woodside and Mclam (1990) the study focused on child adoption as a human service area that responds to the needs of children and would be adopters. Adoption services seek to provide a new and permanent family for children whose birth parents are unable or unwilling to provide them with the love, support and nurturing they need. It has been argued that by being of tender age, children need parental care for proper development. It can therefore be concluded that the child, if without parents say by virtue of abandonment, is in a developmental crises. Others may suddenly lose their parents precipitating a situational crisis. In her thesis, Mbuga (2007) focused on Children in Difficult Circumstances (CEDC) and how

adoption can be used to address their needs in a permanent family based solution that is adoption. Her study's focus is children who are basically in a crises situation by being orphans including double orphans, as well as abandoned children against a backdrop of a gravely strained customary social support system which traditionally met the needs of such children through the extended family networks.

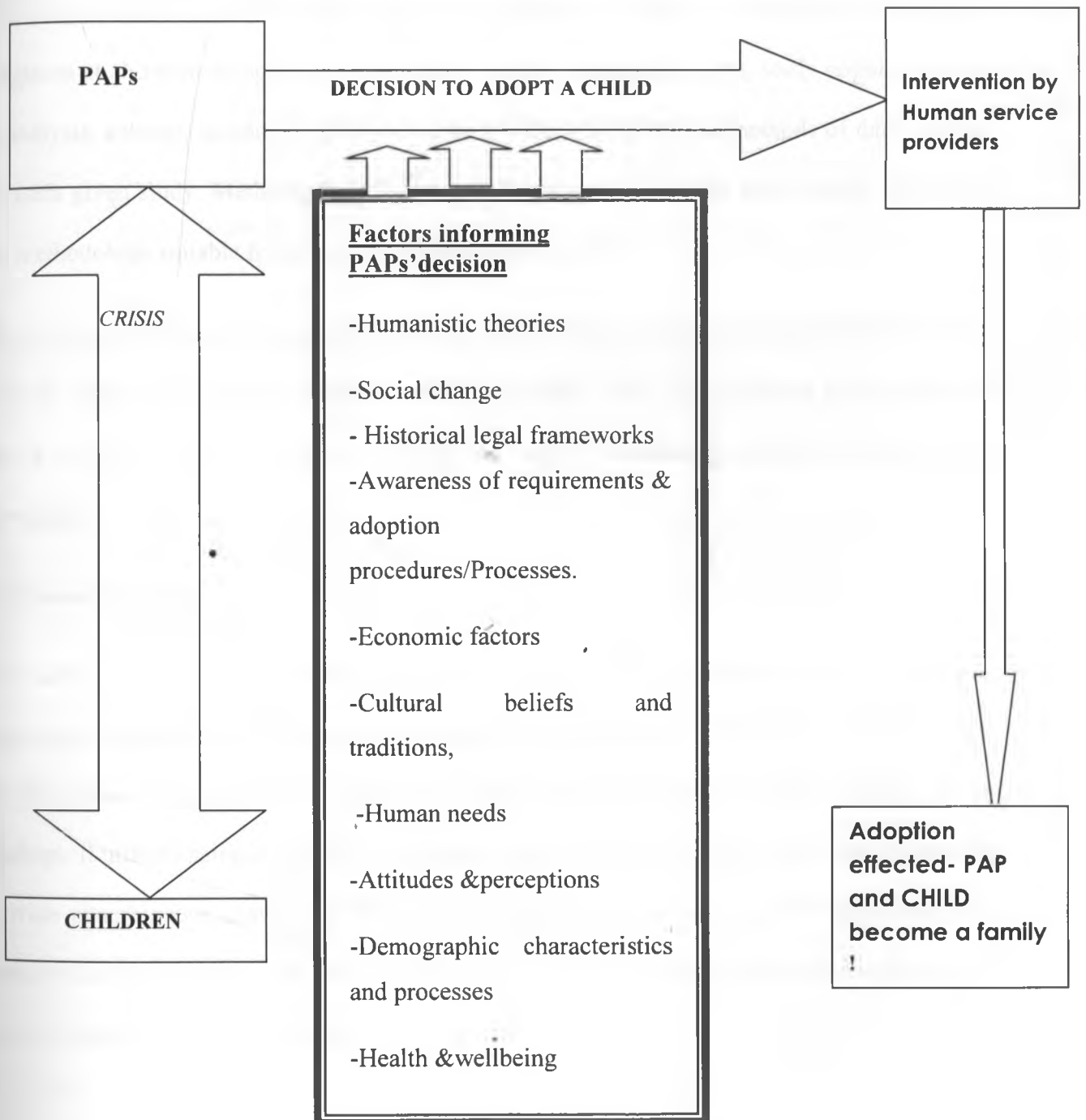
On the other hand are prospective adoptive parents who this study focuses on. Some of them find themselves in developmental crises of not having children to call their own when society expects them to be parents by virtual of age and or marital status. Harvey (2007), states that; while in Sweden people make the decision to adopt for various reasons, inability to have a biological child remains the most common reason and the most common obstacle to producing a first or even a subsequent biological child.

According to Howard and Maloney (1998) Human service philosophy (idealistically) is consistent with established crisis intervention theory which places the clients' needs as a priority in the value system of the helping profession. When human services intervention is required as a result of a sudden disruption in the life of the client that is precipitated by a situational crises or catastrophic event, crises intervention is the consequence. The practice of delivering crises intervention services is supported by crisis intervention theory. Woodside and Mclam (ibid) state that the knowledge and skills necessary are important in supporting the client's sense of hope and eventual return to self reliance.

2.9 Conceptual framework of the study.

Figure 1 below is a conceptual representation of the study.

Figure 1: conceptual framework



3.0 CHAPTER THREE: METHODOLOGY

3.1 Introduction

This chapter looks at the procedures that were employed in conducting the study. According to Singleton et al, methodology looks into research design, sampling design, study population, unit of analysis, sources, techniques and tools of data collection as well as methods of data analysis for each given study. Methods, their corresponding techniques and the logic behind them form the methodology suitable for arriving at reliable conclusions.

The study took a descriptive approach in order to accurately portray characteristics of PAPs in Nairobi. Data was collected between January and March 2012, and analyzed in the course of March and April 2012, in which duration, the report presented in chapter 4 (below) was compiled.

3.2 Research design.

The study was descriptive employing a survey and fact finding enquiries with the aim of protecting findings from bias and also to maximize the reliability of the study's findings. The overall methodology adopted is quantitative with qualitative aspects to ensure synergy in the findings. It utilized suitable yet different research methods, their techniques and tools in order to provide unambiguous answers to the study's research questions and specific objectives. This research design describes how the data was collected; analyzed and observed facts interpreted and was therefore a logical structure of the research.

3.3 Site selection and description.

The study was carried out in the county known as Nairobi city according to Government press (2010). The Nairobi County borders Kiambu, Kajiado and Machakos Counties. Nairobi was purposively chosen for the study because of its status as a city with a high concentration of people generally. Furthermore all the registered adoption societies, four of them, are within the County. The specific sites in the county are identified in consideration of the financial and time resources available to the researcher. The sites had the advantage of readily availing to the researcher both local and international prospective adopters as respondents. Following a directive by the Hon the Chief Justice as stated in government printer (2003) inter-country adoptions (where Kenya is the sending country) are only heard at the family division of the High Court of Kenya in Nairobi. Respondents were drawn from PAPs undergoing the process of adoption under the auspices of the 4 adoption societies. The total number of PAPs form the universe from which a sample was drawn for study. The results from the sample are applicable to the target population.

The duly registered adoption societies in Kenya according to official records from the secretariat of the adoption committee situated on electricity House 6th floor-Harambee avenue are Little Angels Network Adoption society-Hurlingham, Kenya children's Home adoption society-Langata road and Kenyans to Kenyans Peace initiative adoption society-off Langata road as well as Child welfare society of Kenya also on Langata Road. The research utilized both secondary and primary data.

Research methods and Techniques employed to gather Data

3.4.1 Secondary Data

Relevant and already existing literature on adoption in general and specifically about prospective adoptive parents was reviewed by the researcher. Sources included Published books, journals, other relevant research papers, legal statutes, gazette notices, government policy documents, other publications, and media reports. Some unpublished reports and internet sources were also utilized. An innovative data collection method utilized for the study was the use of children officer's reports on individual adoption matters. Kothari (1990) argues that characteristics of research do not rule out creative thinking hence reference was made to DCS reports on Court cases. The High court while listening to an adoption matter may, in its discretion order the DCS to prepare a report as per section 78 of the CA which in part states that "A court while considering any question in respect to a child under this Act, may require to have presented to it a report..." The 8-10 page report is compiled before being filed for consideration by the Court in reaching its final decision in an adoption matter.

This research utilized this resource which is based on individual interviews and home visits to residences of PAPS and by examining the most recent reports was able to capture information on real life situations of PAPS as seen through the eyes of a children's officer. Requisite confidentiality was maintained. The reports were found to be a rich and current secondary reference information which was identified for its relevance to the study was noted and carefully recorded in writing by the researcher.

3.4.2 Research methods and Techniques employed to gather Primary Data.

To gather primary data, which is information that is collected directly from respondents or subjects, the researcher identified the following methods and their corresponding techniques :

The Survey part of the research utilized personal interview method to collect data from respondents identified in the sample design (in table (1) below) using a detailed questionnaire with mainly closed and a few open-ended questions. To strengthen the data collected in the survey, the researcher used personal interview method in one on one interviews with key respondents. Nine (9) key respondents were purposively selected to generate qualitative data for the study. They were considered useful sources of key information relating to adoption in Kenya generally and specifically in Nairobi. The following were interviewed: A High court judge at the family division -Nairobi, Chairman of the adoption committee, Director of children's services who is also the secretary of the adoption committee, Directors of the four adoption societies (from which respondents in the study were sampled), head of adoption secretariat and a family and child law practitioner with experience in representing PAPs in adoption matters before court. These informants were sampled and identified for their impartiality and the fact that they possess technical competence as well as necessary practical experience.

Focus group discussion was also used to inform the study. Six (6) Participants who included PAPs, social workers, children officers, managers of charitable children Homes and adoptive parents were engaged.

3.5 Tools of data collection

3.5.1 Questionnaire

For the personal interview, a questionnaire consisting of both closed and open questions was utilized. The study relied on this as the main primary and overall data collection tool. It was used to examine respondents' level of awareness and knowledge regarding, requirements and procedures for adoption according to Kenya's legal provisions as spelt out in the Children Act ,

2001, Children (Adoption) regulations (2005,) and the Hague convention 1993. Their opinions on some of these issues were sought. Measurements using variables around Bio data characteristics such as age, sex, date of birth, marital status were examined. Data was also collected using variables drawn from their cultural background, belief system, nationality and ethnic background. Economic variables examined included levels of earnings, property ownership, savings, highest academic qualifications, and occupations. Psychological factors measured include attitude and perceptions of PAPs towards adoption as a way of starting or even expanding a family. Some indicators were drawn from PAPs health and wellbeing. The questionnaire sought to examine socio-cultural factors that influence the PAPs' preferred choice of a child to adopt on the basis of the latter's gender, age, and racial/ethnic background.

The tool was developed and pre -tested, adjustments made before it was finally administered. The technique employed for the personal interview method was self administration of the questionnaire with the interviewee recording the answers himself or herself and the researcher or assistant collecting the completed questionnaires for analysis.

3.5.2 Interview guide for key respondents

An Interview guide was employed to gather information from the identified key respondents. It comprised a predetermined set of structured but open questions to ensure systematic questioning. The interview guide was flexible enough to allow the respondents to raise issues that may have not been considered by the investigator. Wherever possible, and in the interest of time, questions were sent the respondents electronically prior to the interview. Responses from each key respondent were recorded accurately and completely in writing by the researcher.

3.5.3 Interview guide for Focus Group Discussion

Using an interview guide of structured but open-ended questions, participants of the FGD were interviewed simultaneously. The questions were posed by the researcher who also, with the help of an assistant, carefully recorded the responses in writing.

3.6 Sample size and sampling techniques.

The target population was the total number of recorded prospective adoptive parents (PAPs) as defined by Kenyan legal requirements for both local and international adopters in the various stages of the adoption process and registered with the adoption societies. Since it was not plausible to study the whole target population, ie all recorded PAPs in the four (4) adoption societies , each adoption society was therefore treated as a cluster for purposes of selecting the accessible population. From the accessible population a sample was drawn proportionately. The researcher in so doing argued that studying a sample is cheaper and numbers more manageable than attempting to study the entire population from which the sample is drawn. The sample so selected was representative, good unbiased and its aggregate characteristics reflective of the entire population from which it is drawn. They have all been individually assessed as suitable adoptive parent (PAP) within the past one year and are still anywhere within the process of adopting a child. Proportionate sampling from the finite population in each of the 4 adoption societies was found to be appropriate for this study since distribution of units according to records at the adoption secretariat in each adoption society is not uniform. A sample size of 125

was reasonably considered optimum for this study. The proportionate sample was drawn as follows:

Total no. of units in cluster X target units

Total no. of units in universe

Table 1 below represents the selection of respondents from the adoption societies.

Table 1: Selection of respondents from adoption societies

Registered adoption societies	Location in Nairobi County	PAPS on record (Jan-July 2011)	Actual figure on computation	sample size
1. Little Angels Network	Hurlingham	93	48.6	49
2. Kenya Children's Home	Lang'ata Road	60	31.3	31
3. Kenyan to Kenyan Peace Initiative	Off Lang'ata Road	55	28.7	29
4. ChildWelfare society of Kenya	Lang'ata Road	31	16.2	16
TOTALS		239	100%	125

Source: adoption secretariat

Simple random sampling technique was then used where individual respondents were chosen entirely by chance (Easton, valarie and McColl,John 1997). Every second PAP on the register of each of the four adoption societies was identified as a participants.The respondents, (both men and women) aged between 25-65 years of age were who were at various stages of adopting a first or subsequent child, were either local or international adopters who had been assessed as suitable prospective adoptive parents by an adoption society in Nairobi.

The sample design adopted was optimum for the study due to its inherent advantages to the researcher given that the time and financial resources allocated to the project are limited. The sample generated quantitative data for this project. The results obtained from the sample population was applicable to the to the target population making it possible to generalize research results to the target population.

The technique used for the personal interview method was self-administered questionnaire with both open and closed questions. The interviewee recorded the answers himself or herself and the researcher or assistant collected the completed questionnaires for analysis.

Respondents were assured of their anonymity and that the study would not affect them negatively.

The instruments were pre-tested to ascertain that the target audience would give the effective response as well as test their understanding of the questions being asked to reduce ambiguity.

The instrument was vigorously revised and amended for validity and reliability under the guidance of the supervisor.

3.7 Unit of Analysis and unit of observation.

In the study, the phenomenon under scrutiny and thus the unit of analysis is what prompts PAPs to decide to adopt children i.e. why they decide to adopt children.

Each individual respondent (PAP) served as the unit of observation. Data was gathered from individuals who, having already made the decision to adopt, been found suitable prospective adopters, were actively involved in the process of adopting a child.

3.8 methods of data analysis

Scientific data analysis procedures and techniques were used to analyze collected and recorded data. To effectively do this, the researcher classicized facts, mutual relationships and sequences to enable search and identify meaningful patterns in them for the data to serve the intended purpose of answering the research questions thereby gathering knowledge for its own sake and informing policy in the area of adoption. The researcher used statistical social science (SSP 17) package for the analysis of quantitative data. Structured questions allow for data to be machine processed.

Analytical tools used include editing, coding interview replies, classification, tabulation and use of percentages. This way the data was condensed into few manageable groups and tables to facilitate further analysis. Descriptive statistics were then used to present the findings in the form of percentages and summary tables.

For the qualitative information, detailed information gathered was coded to isolate what is known and what had been observed to come to some useful conclusions and recommendations by establishing patterns. Secondary data was then used to make comparisons with the primary data gathered. Generalizations and findings established on the basis of the data so analyzed were then presented in

chapter 4 below as well planned, simple to communicate the findings as the researcher's project in partial fulfillment for the award of a master degree in Sociology (Medical cluster).

3.8.1 Challenges faced in the Study

Some respondents in the study opted not to answer to some of the specific questions. This challenge according to Kothari (1990) is common with self administered questionnaires as the researcher is not present to probe the respondent as would be possible where the investigator poses and has the opportunity to repeat the questions to the respondent. To mitigate this, the researcher sought to probe key respondents and participants of focus group discussions as well secondary data gleaned from Children officer's report (3.4.1 above) in respect to affected questions.

For the open ended questions, written responses from the field were sometimes difficult to decipher and understand which made classification a challenge.

4.0 CHAPTER FOUR: DATA PRESENTATION AND INTERPRETATION

4.1 Introduction

This chapter presents the results; interpretation and discussions of the research findings based on the specific study objectives and the data collected. The objectives were to:

- Assess levels of awareness of adoption procedures and requirements among prospective adoptive parents in Nairobi.
- Examine the socio –cultural, socio-economic and psychological factors that influence their decision to want to adopt children.
- Examine socio –cultural factors influencing their preferred choice of child to adopt.

The data is presented in percentage and frequency tables, pie charts, bar graphs and conversational analysis.

4.2 Response Rate. Of the 125 respondents sampled, 120 duly filled the questionnaire making a response rate of 96 percent. According to Mugenda and Mugenda, (1999) a response rate of 50 percent and above is good. The respondents were found to be largely enthusiastic to participate in the survey. This may partly be explained by the level of education among respondents as shown in figure 6 (below) which shows that 40.4 percent of respondents had a first degree level of education.

4.3 Background characteristics of the respondents

The 120 respondents in the study who filled the questionnaires all met the criteria of having already been found suitable prospective adoptive parents (PAPs) by adoption societies and the

national adoption committee who manage both local and international adoption arrangements as per Kenyan law on adoption in the CA(2001) and supplemented by The Children (Adoption) Regulations (2005), and related policy . The Kenyan law provides for both local and international adoption also referred to as domestic and intercountry adoption respectively according to Hague secretariat of Private Law (1993). The PAPs were awaiting the final determination by the High court of Kenya. The act of adoption itself is a judicial pronouncement of the High Court of Kenya and it is only after the judicial pronouncement that they would be considered adoptive parents since it is this pronouncement that has the effect of severing the parental responsibilities and rights of biological parents and vesting the same parental rights and responsibilities on the adoptive parents.

Respondents were interviewed to compare their perceptions using key variables of gender, nationality, Kenyan ethnic groups, age, religion, marital status, occupation, income and level of education. It was important to consider many variables given the complexity of the subject of research. According to UN (2009), lack of data on adoptions and limitations in the data available represent a major obstacle to the understanding of the determinants of adoption; specifically, information on the characteristics of adoptive parents is severely limited. Key variables had of necessity to take into account a wide array of the characteristics of prospective adoptive parents (PAPs) in Nairobi to be able to come up with which factors inform and therefore influence their decision to want to adopt a child. Besides being important by themselves, key variables are used extensively in this chapter to discuss findings on specific study objectives later in this chapter inter alia

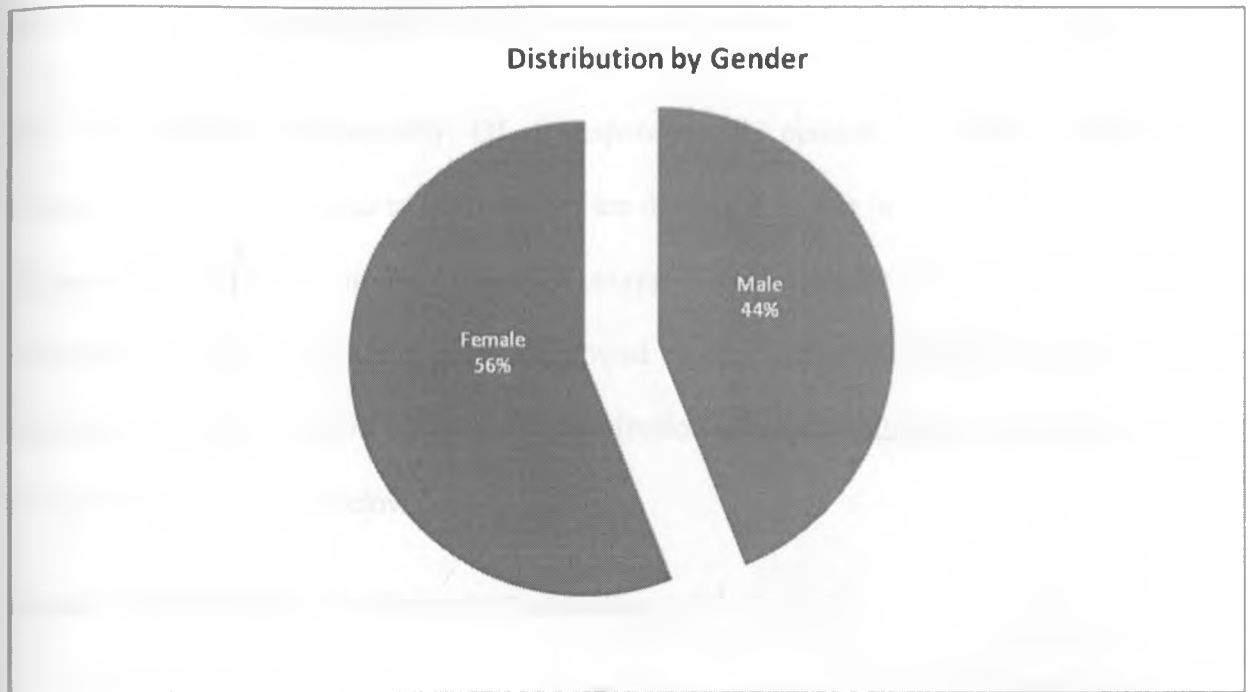
- Assess levels of awareness on adoption procedures and requirements among prospective adoptive parents in Nairobi.

- Examine the socio –cultural, socio-economic and psychological factors that influence their decision to want to adopt children.
- Examine socio –cultural factors influencing their preferred choice of child to adopt.

In addition, the research draws from theory and experience of Human service workers in the helping profession who, according to Howard and Maloney (2008) , report that they grapple with the *complexities* of human nature of individual clients as they attend to their needs.

Respondents' Distribution by Gender. Of all the respondents, 56 percent were female while 44 percent were male as indicated in figure 2 below.

Figure 2: Distribution by Gender



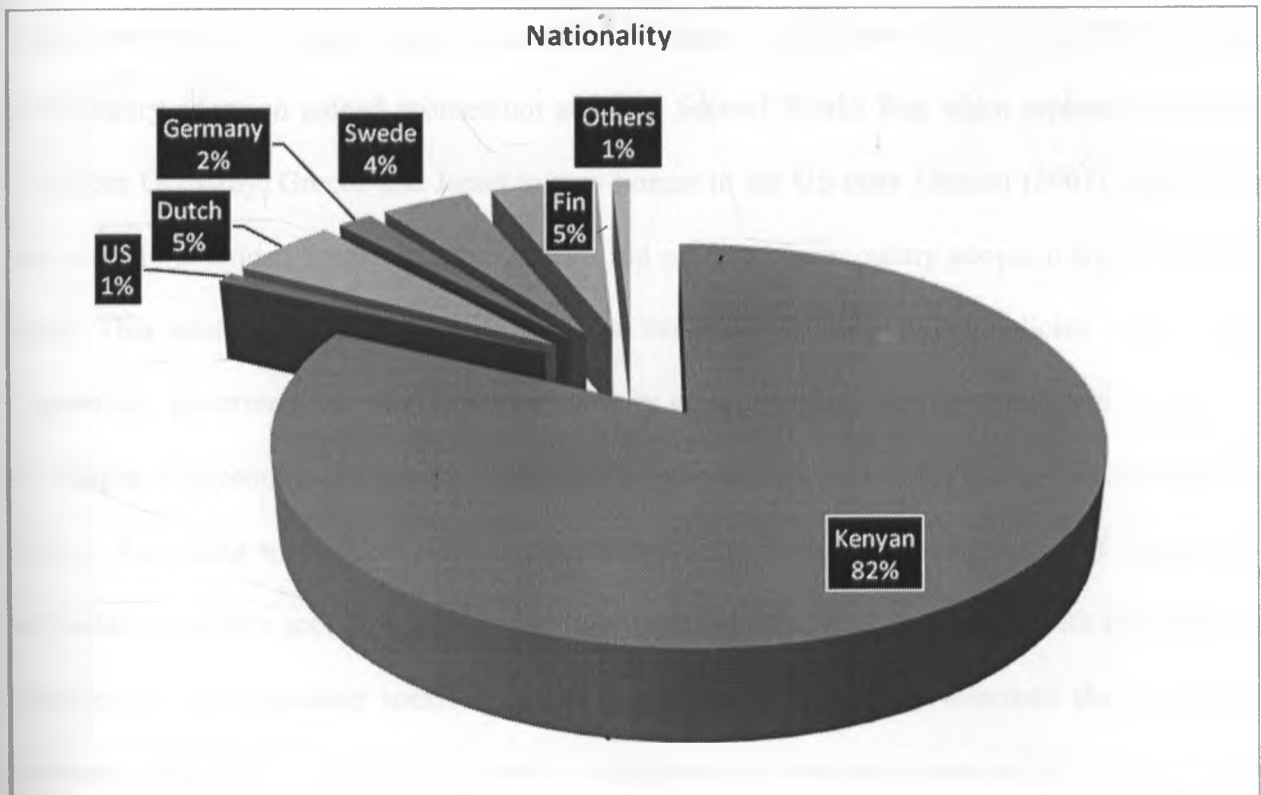
Under the CA, a single male or female is only allowed to adopt like gender (unless there exist special circumstances). Male applicants are not known to take this up and sources at the Adoption Secretariat had on record only two (2) such applications in the last five years. The same law permits single foreign female applicants to adopt under special circumstances while single foreign males are completely locked out by law. This too must have an effect on the gender disparities. According to Kenya Demographic survey (2005) 20.5 percent of all children in Kenya were reported to live with their mothers so this finding is consistent with this national trend. Most people who wish to adopt are women according to Williams and Njoka (2008).

The study's finding that the majority of PAPS are female is consistent with patriarchal cultural institutions and practices where women are expected to carry the role of child reproduction and rearing. Walby (1990) argues that patriarchy is composed of six structures. One such structure is what she calls patriarchal cultural institutions and practices which place women within a

“patriarchal gaze” whose representations influence their identities and prescribe acceptable standards of behavior and action. The motivation to be mothers is well within this structure.

4.3.2: Respondents’ Nationality: Of all respondents 82 percent, a majority, said they were Kenyan. The findings related to this category are discussed further in 4.4.3 below. The remaining 18 percent were drawn from five (5) foreign countries accounting for intercountry adoptions. The Finns and Dutch were each at 5 percent followed by the Swedes at 4 percent and only 1 percent responded that they were US citizens. The distribution of respondents in this study by nationality is represented in figure 3 below.

Figure 3: Respondents distribution by Nationality.



The study therefore concluded that being a Kenyan National is a major contributing factor that informs an individual's decision to seek to adopt in Nairobi.

For the 18 percent foreign nationalities, the adoption systems in use in the four countries from Europe were found to be compatible with the Kenyan adoption system according to key informants. Sweden which, according to Harvey and MIA (2009) has had one of the highest intercountry adoption rates in relation to its population accounts for 4 per cent in this study which is the second highest after the Dutch at 5 percent. The US was the fifth foreign country represented in the study. Whereas according to United Nations (2010) the US accounts for nearly half of total adoptions worldwide, this was not replicated in these findings where only 1percent of the respondents said they are US citizens. Key informants reported that there had been a decline in the number of US PAPs due to policy adjustment issues after the US become member state of the Hague Convention w.e.f 1stApril 2010. Worldwide, Intercountry adoption gained momentum after the Second World War when orphaned children were sent from Germany, Greece and Japan to new homes in the US state Masson (2001). Since it had not been widely practiced before, many countries did not have intercountry adoption legal frameworks in place. This study's findings however are that the pronounced adoption policies , laws ,rules and regulations governing adoption in PAPs' country of origin must be compatible with Kenya's under the Hague Convention (1993) for intercountry adoption to successfully take place from Nairobi-Kenya. According to Giddens (2000), MaxWeber argued that the development of bureaucracies is inevitable in modern societies; bureaucratic authority is the only way of coping with the administrative requirements of large-scale social systems. This thinking has clearly informed the development of necessary legal frameworks for intercountry adoptions that were not known in the period just after the Second World War. The presence of a working intercountry adoption system therefore informs a foreign PAP's decision to adopt from Nairobi.

The CA (2001) requires that a child adopted from Kenya by people of other nationalities gains their nationality. The commitment is required upfront prior to the adoption order being made in respect of a child upon the joint application of spouses who are not Kenyan citizens and not resident in Kenya i.e international adopters. Since 18 percent of all respondents were from foreign nationalities it is inferred that once they adopt a child from Kenya, they would become transracial families which are unique and conspicuous. According to Crawford Susan (2010), they are obvious, noticeable, eye-catching, and attention grabbing. They stand out primarily due to racial differences in the family. These families tend to be under a spotlight, questioned, challenged and judged by those who don't understand or agree with transracial parenting states Crawford (2012). Pre adoption training and counseling offered to those wishing to adopt abroad by some countries like Sweden try to address possible parenting, culture, identity, skin color and language challenges. Post adoption assessment is also carried out for the same purpose after the family goes to the receiving country according to Harvey and MIA (2009). ACPF (2012) found that follow up reports are required by a large majority of countries of origin and are a way of keeping an eye on the evolution of the adopted child and his wellbeing especially useful in the first two (2) years after adoption. It is the responsibility of the receiving country to protect the adopted child as it would any other child living in its territory. According to Giddens (2000), families are taking different shapes due to shifts occurring at the societal and even global level. Children are therefore sometimes raised in nontraditional families such as transracial ones. The creation of a great diversity of family and household forms, unimaginable to earlier generations brings with it a mixture of opportunities and risks to the emotional and personal lives of their members. Some of the parenting challenges for instance in intercountry adoption relate to the fact that the family becomes transracial. This is an area deserving of further research.

The finding that there are more Kenyan PAPs (82%) as opposed to those from other nationalities (18%) was consistent with statistics of completed adoptions from the Registrar General which shows that 387 which accounts for 60.1 percent of adoptions completed between 2003 and 2006 were by locals compared to 256 accounting for 39.8 percent which were completed by foreigners in the same period. Table 2 below represents completed adoptions in Kenya between 2003 and 2006.

Table 2: Completed adoptions 2003-2006

	ADOPTIONS BY LOCALS		SEX				ADOPTIONS BY FOREIGNERS		SEX			
		%	M	%	F	%		%	M	%	F	%
2003	134	34.6	35	26.1	99	73.9	65	25.4	41	63.1	24	36.9
2004	94	24.3	35	37.2	59	62.8	69	27.0	34	49.3	35	50.7
2005	103	26.6	31	30.1	72	69.9	78	30.5	36	46.2	42	53.8
2006	56	14.5	20	35.7	36	64.3	44	17.2	26	59.1	18	40.9
Total	387	100	121	31.3	266	68.7	256	100	137	53.5	119	46.5
	60.1		18.8		41.3		39.8		21.3		18.5	
	%		%		%		%		%		%	

Source: office of the Principal Registrar.

Adoption in Kenya is open to both locals and internationals. This is however governed by the Hague Convention (1993) to which Kenya acceded w.e.f 1st June 2007. The subsidiarity principal of this convention, states that a child should be raised by his or her birth family whenever possible and if that is not possible, other forms of permanent family care in the country of origin should be considered. Intercountry adoption should therefore ideally be considered only after due consideration of permanent national solutions for a child and only if it is in the child's best interests, according to Hague Secretariat (2008). Though the CA was enacted into law in

2001 before Kenya became State party to Hague Convention, the drafters of the latter, according to key informants, took into consideration the spirit of the said convention in preparing the provisions for adoption contained in it. The Key informants therefore see the Hague Conventions influencing outcomes of adoptions in Nairobi. PAPs have to operate within certain beauraucratic requirements largely represented by the human service worker at the macro level to ensure coordination of functions as explained by Howard and Maloney (1998). The systems and structures governing adoptions in Kenya to a large extent therefore work in synergy to serve PAPs in Nairobi who are Kenyan as well as those of other nationalities receiving countries who are also state parties of the Hague convention 1993.

4.3.3: Ethnic distribution of Kenyan Respondents: Those respondents who said they are Kenyan by nationality were 82 percent of the respondents. They were further asked to state which Kenyan ethnic community they each belong to. Kikuyu ethnic community were 42.7 percent of respondents followed by the Kamba at 10.7 percent, the Luo were at 9.3 percent the Luhya at 5.3 percent and Kalenjin who consisted 2.7 of those who responded .The lowest representation was from Embu, Indian, Maasai and Meru at 1.3 percent each. The findings on ethnic distribution of PAPs are represented in table 3 (below)

Table 3: Ethnic distribution of Kenyan respondents

Ethnic group	Frequency	Percent
Embu	1	1.3
Indian	1	1.3
Kalenjin	2	2.7
Kamba	8	10.7
Kenya*	1	1.3
Kikuyu	32	42.7
Luhya	4	5.3
Luo	7	9.3
Maasai	1	1.3
Meru	1	1.3
not disclosed	15	20.0
Somali	2	2.7
Total	75	100.0

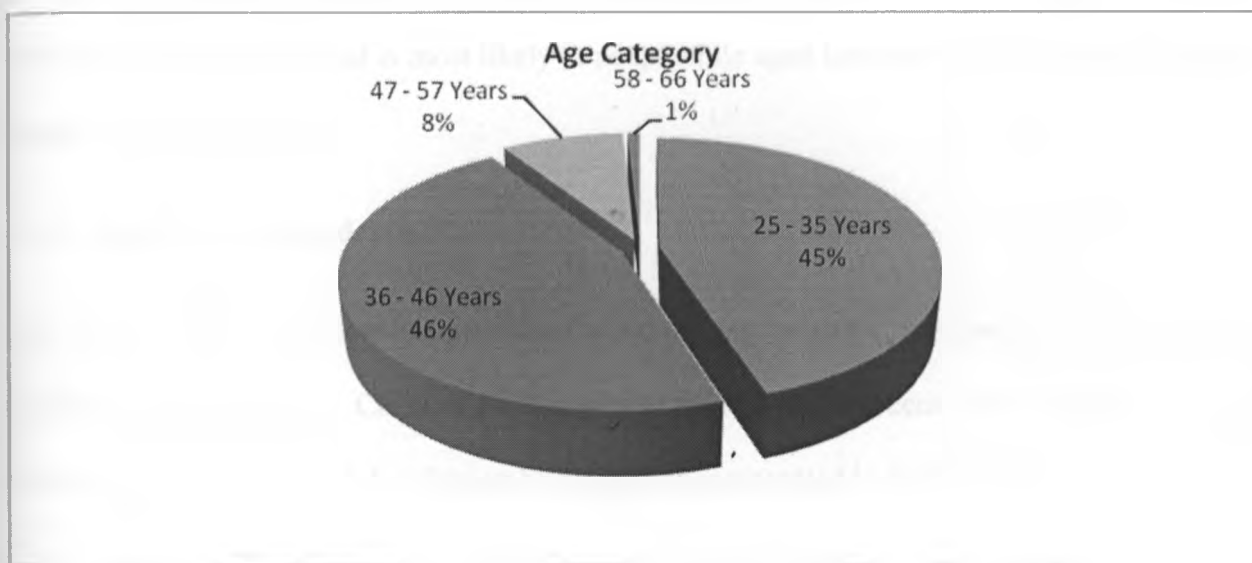
Kiambu county which is inhabited mainly by the Kikuyu people and Machakos by the Kamba both border Nairobi County in which the 4 adoption societies are found. Their proximity to the city may partly explain the large proportion of PAPs from the two communities in the sample as they were able to access the service and information about adoption easily. The same argument though does not hold for Kajiado County which also borders Nairobi and only 1.3 percent of respondents indicated they are Maasai. There is however remarkable increase in ethnic groups that in an assessment by Williams and Njoka (2008) did not feature as adopters. These include the Somali, Maasai, Meru, and Indian. Social change in these communities was therefore taking place and adoption becoming acceptable. Williams and Njoka (ibid) state that though adoption is not traditional, it could be that the cultural systems of some ethnic groups make adoption more acceptable and promotable. Their study had recommended that it would be interesting to discover why the Kikuyu were by a long way the majority adopters. The findings of this study are consistent with their finding. According to Kenyatta (1965), the desire to have children

among this group of people is deep-rooted and is taken as a sacred duty by those entering matrimony. UN (2009) states that members of a clan among the Kikuyu had the option of adopting an orphaned child or the child of an adulterous relationship who would have otherwise been put to death. A key respondent described the Kikuyu people as “natural adopters” who in the past were known to assimilate individuals from other communities like the neighboring Maasai and Dorobo people in elaborate ceremonies to make them bonafide members of the tribe. They would also assimilate the poor amongst them .Women without children would be encouraged to “marry” fellow women who would procreate on their behalf, a practice also common among the Kamba people. Respondents from the Kamba ethnic community made 10.7% of the study sample. At the time of the interview ,she disclosed she was herself a PAP , a mother of biological children and came from the Kikuyu ethnic community. She was of the opinion that the cultural aspects she referred to made it easier for somebody from her community to seek to adopt.In her working experience ,she came across Kikuyus as the majority of adopters followed by, Kambas, Kisiis and Kalenjins in that order as .

Of all respondents, 20 percent who stated their nationality to be Kenyan opted not to disclose their ethnic affiliations. One respondent entered “Kenyan” (which in table 3 has been highlighted with an asterisk for emphasis) as his ethnic group. This could be a person who considers himself first and foremost a Kenyan before or instead of identifying with a particular ethnic group. This in itself is a positive development in a country where efforts are being made to enhance national cohesion for instance by the Ministry of Justice. People of mixed ethnic backgrounds could also be part of the group that declined to respond. According to Williams and Njoka (ibid) there were an increasing number of couples where partners come from different ethnic backgrounds.

4.3.4: Age Distribution of respondents. The study captured views of respondents within the age bracket (25-65) allowed by law for one to be eligible to adopt in Kenya. Of all respondents, 46 per cent were found to be between 36 and 46 years old closely followed by those aged 25 to 35years old at 45 percent. Those in the category 47-57year olds accounted for 8 percent and 58-66 for only 1percent. The distribution of PAPS in the study by age is represented in figure 4(below).

Figure 4: Respondents distribution by age



Therefore cumulatively majority of PAPS at 91 percent were found to be between 25 and 46 years old; in the lower half of the legal age limit for adoption of 25 than the upper limit of 65 years of age who accounted for only 9 percent of respondents. The age between 25 and 46 years are arguably their productive years. Historically, Justinian law, according to United Nations (2010) stated in part that a person could not adopt someone older as it would be unnatural for a son to be older than his father, insisting that adoptions should imitate nature. Kenyan legal provisions on adoption state that a PAP should be at least 21 years older than the child to be

adopted. The Children Act Under sec 158 requires a sole applicant or jointly spouses where each or one of them is at least 25 years old and at least 21 years older than the child to adopt. Further, an applicant or joint applicants who has or both have attained 65 years old may adopt only if the court is satisfied that there are special circumstances. Records from the adoption secretariat indicate that most of the older married PAPs had clung to the hope of having children biologically until the biological clock for the female PAP was against child bearing, while some resorted to adopt their own grandchildren on the death of their children. Adoption in this case becomes a crises intervention as advanced by woodside and Maclam (1990). The study therefore concluded that an individual is most likely to adopt while aged between 25 and 46 years old who made 91% of respondents .

4.3.5: Religion of respondents

The respondents were asked to state what religion they belong to. Majority, at 93.3 percent reported that they were Christian, 3.3 percent Muslim, .8 percent Hindu and 3 percent nonreligious. Respondents' distribution by religion is represented in Table 4 below.

Table 4: Distribution of respondents' by religion.

Religion	Frequency	Percent
Christian	112	93.3
Islam	4	3.3
Hindu	1	.8
None religious	3	2.5
Total	120	100.0

A majority of respondents (97.5%) subscribed to a religion with only 2.5 percent responding that they are nonreligious. When asked whether religion had a role to play in their decision to adopt,

a majority of the respondents (56.6%) said that religion played no role in their decision to adopt, 25 percent said it did and 18.4 percent said that somehow their religious beliefs influenced them to decide to adopt. Responses as to whether religion influenced their decision to adopt are presented in Table 5 below.

Table 5: Cross tabulation of respondents' religion and declared influence of their religion on decision to adopt.

Did religious belief influence your decision to adopt?	Christian	Islam	Hindu	None religious	Total
Yes	29	0	1	0	30
	25.8%	0%	100%	0%	25%
Somehow	22	0	0	0	22
	19.6%	0%	0%	0%	18.4%
Not at all	61	4	0	3	68
	54.4%	100%	0%	100%	56.6%
Total	112	4	1	3	120
	100%	100%	100%	100%	100.0%

This was a surprise finding given the statistics in Table 4 above where the majority said that they subscribed to a religion. A case in point is 3.3 percent of the respondents who were Muslims. Islam as a religion does not have a place for adoption and a child who goes to live in a family that is not their original one, does so under the terms of kafala which is a form of guardianship under Sharia law according to William and Njoka (2008). Under this system children are not entitled to inheritance neither should they assume the new family name. From children officers report of applicants who are Muslim, they invariably report that they know of their religion's stand against adoption but they go ahead and subject themselves to the legal provisions of CA. A child adopted under the Act invariably assumes the family name and inheritance is an implied consequence of adoption since the child acquires rights as if he was born to the adopters.

However in a bid to enhance protection of a child adopted by Muslim adopters, a key informant reported that sometimes the High court , when hearing an adoption application by applicants who are Muslim, requires such applicants to set up trust funds for the subject child before the adoption is granted. This is in recognizing that if the adopted child is subjected to sharia law of inheritance later on, he may be disinherited as he will be considered to be under kafala system, a form of care that does not provide the child with inheritance rights in relation to his new care giver according to Charlot (2011).

The response by the majority that religion had no influence on their decision to become adoptive parents can be attributed to rationalization as expounded by Max Weber (Giddens 2000). According to him in traditional societies, religion and long standing customs largely defined people's attitudes and values. In modern society, more and more areas get marked by rationalization which he defines as the organization of social and economic life according to the principles of efficiency and on the basis of technical knowledge,

This finding is also in agreement with Howard and Maloney (1998) who argue that though many observers single out the Judeo-Christian tradition (93% of respondents in this study reported being Christian) as providing the stimulus for benevolent actions, "no philosophy, religion, or movement has sole claim on charity but each in turn has influenced those of goodwill toward altruism" They add that throughout history, there have been efforts ranging from the supernatural to the biological and humanitarian to explain and help those in need. Subsequent development of human service education has been a direct outgrowth of the need for training and education of workers to deliver a new kind of service to the ever expanding needy populations. Beyond religious instruction, some research on prosocial behavior suggests that the roots to

altruism may even have a genetic link with a study reportedly identifying a gene for social behavior in mice according to Wade (1997).

According to this study, religion plays no direct role for the majority (56.6%) of PAPs in their decision to adopt a child. However besides the 30 percent who responded that it influenced their decision, it can be inferred that it had some influence on 9.2 percent of those who said their initial source of information on adoption was from a religious gathering. (Table 7 below) Seeing that a huge majority subscribe to a religion, then such gatherings can be useful awareness creation avenues.

4.3.6: Marital status. All the respondents were asked whether they were married or not. Majority of the respondents (75%) responded that they were married while the remaining 25 percent said that they were single. The marital status of respondents is represented in table 6 below.

Table 6: Respondents' marital status.

Marital status	Frequency	Percent
Married	90	75.0
Not married	30	25.0
Total	120	100.0

Those who responded in the affirmative who were 75% of respondents were further asked to state for how long they had been married. Their responses ranged from 1 to 35 years. The highest concentration was of those married for 5 years at 11 percent. The lowest number at 1.2 percent were among the newly married (1, 2, 3 years). The same percentage (1.2%) obtains for the respondents married for between 23 to 35 years. On average, respondents were married for six(6)

years . Adoption Regulations (2005) require that couples should be married at least 3 years prior to seeking to become PAPS. According to Key informants, those in the study who responded to being married less than 3 years could involve the adoption of step children. Futhermore, it was reported that single mothers may decide to get married and thereafter go through adoption to give the child legal status in the new family. They may insist on doing this before their marriage union is 3 years. This finding supports the earlier finding in (4.4.2) above that adoption contributes to the creation of non conventional families in this case reconstituted families as defined by Giddens (2000)

The 75 percent who responded that they are married were further asked whether they were in monogamous or polygamous unions, majority (97.4%) of those who were married described their marriages as monogamous and 2.6 percent polygamous. Of all married respondents 93.3 percent reported living in the same household with their spouses and 6.7 percent reported that they were not living in the same household with their spouse. The latter cited working in different places (57%) as the main reason for living in separate households.14 percent said they were separated from their spouses and 28.6 percent cited 'other reasons'. According to United Nations (2010), the Massachusetts Adoption of Children Act enacted in 1851 widely recognized as the first modern adoption law required that prospective adoptive parents be a wife and husband. This may have influenced later day laws to lean heavily towards applicants who are married. The CA (2001) does not allow joint applicants to be individuals who are *not* married to each other to apply together to adopt a child. It also requires spousal consent if a married person applies to adopt solely. The CA lays exceptional requirements for single people who may want to adopt making Kenya one of about 100 countries that allow adoption by single people according to United Nations (2010).

This study therefore found that majority of PAPs were married (75%), lived together (93.3%) and on average sought to adopt a child six years into their marriage.

The respondents who said that they were not married were distributed as follows, 86.2 per cent were single females who had never been married before and 6.9 per cent each were divorced and widowed respectively. Table 7 below represents reasons for respondents' single marital status.

Table 7: Reasons for respondents' single marital status.

Why single	Frequency	Percent
Widowed	2	6.9
Divorced	2	6.9
Never been married	26	86.2
Total	30	100.0

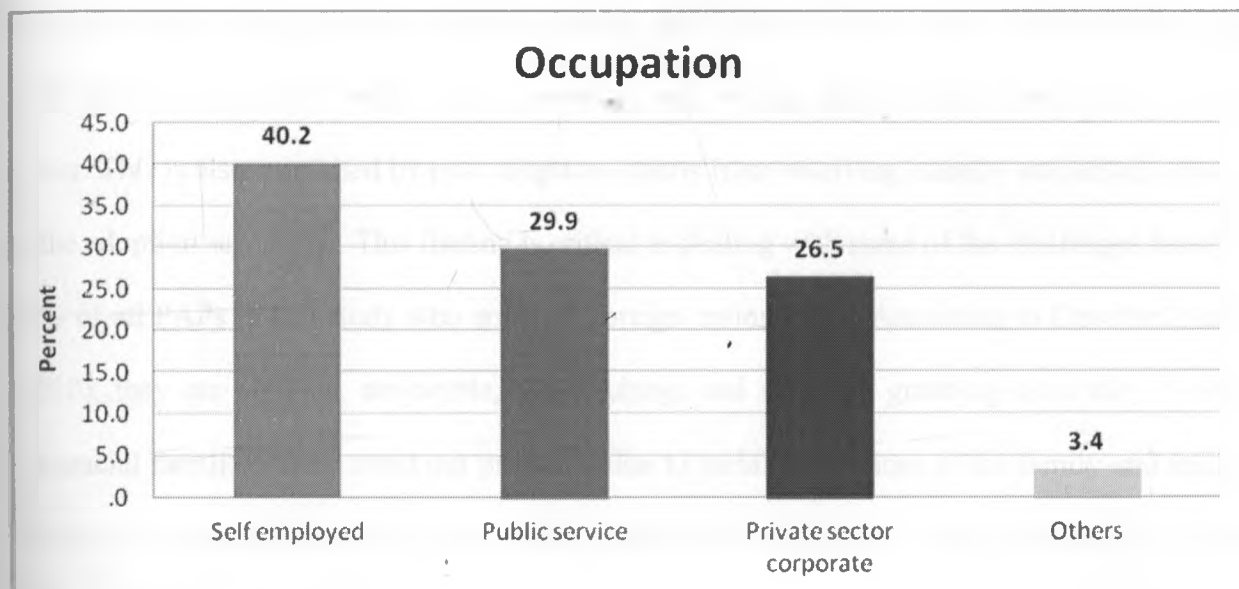
This finding is consistent with Giddens (2000:181) who states that among lone parent families, the fastest growing category is that of single never married mothers. Records at the adoption secretariat confirmed that and were supported by a key informant who observed that increasingly, sole females, mainly single professional women in their 30s and 40s were coming out to adopt first or second children out of religious and/or feminist ideals. Among those who responded that they were single, 6.9 percent said they had been widowed and another 6.9 percent said they had gone through divorce. The latter were according to sources at the adoption secretariat often reported to have lost their marriage for being childless. All the 86.2 percent PAPs who were single females who had never been married before were going to become female heads of households contributing if Kenyan, to the Kenya demographic survey findings(2005) which found that 20.5 percent of children live with their mothers alone. According to the Adoption secretariat some of the never been married before female PAPs indicated that they

were open to marriage in future but their- would- be suitors had to be ready to accept the adopted child.

4.3.7: Respondent's occupation : All the respondents interviewed were asked to state whether they were self employed, or were employed in the larger public service or private corporations , 40.2% responded that they were self employed, 29.9 per cent were in the public service and 26.5 per cent were employees of private cooperates. 3.4 percent fell outside the 3 classifications.

Figure 5 (below) is a graphical representation of respondents by category of occupation.

Figure 5: Occupation of respondents.



This is a unique finding. Since most of the respondents (82%) are Kenyan, hold a university degree as illustrated in 4.4.8 (below) then it can be concluded that increasingly Kenyans with a university degree are embracing self employment. Such people are risk takers, embrace change which is consistent with someone coming forward to adopt a child in a society that has previously not had many adoptions despite the need for this service.

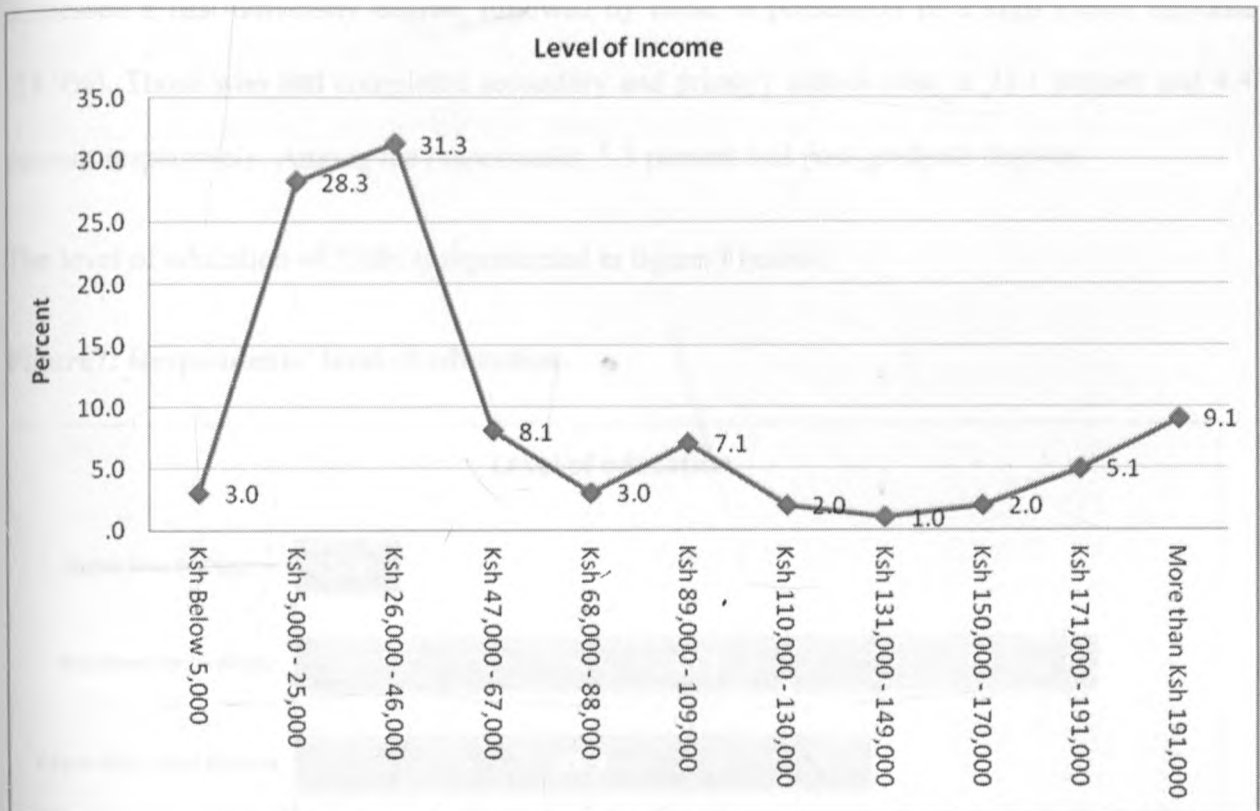
According to secondary data accessed at the adoption secretariat and corroborated by key informants, majority of foreign PAPs especially from the Scandinavian countries employed in both public and private sectors are provided with generous maternity and paternity leave which caters for the three months mandatory period of pre adoption bonding in Kenya. They also enjoy options like half pay to spend more time with the adopted child when they go back to the receiving country. PAPs from these countries would then be motivated to go through an adoption in Nairobi where the whole process including bonding and court process can take up six to nine months. This information was provided by key informants who also added that contrary to popular belief, many foreign adopters report to finding the time spent in Kenya rewarding. They argue that when they go back to their countries, they have already bonded and are well versed with their adopted child which makes parenting and settling them in their home country much easier. This is also supported by post adoption reports from receiving country authorities sourced at the adoption secretariat. This finding is critical in dealing with some of the challenges faced by 18% of all PAPs in this study who are from foreign nationalities. According to Crawford Susan (2010), they are obvious, noticeable, eye-catching, and attention grabbing once they become transracial families. They stand out primarily due to racial differences in the family and tend to be under a spotlight, questioned, challenged and judged by those who don't understand or agree with transracial parenting.

4.3.8: Respondent's level of income: The levels of income of all respondents were classified into 10 categories in intervals of Ksh 20,000.00 distributed between those who earn below ksh 5,000.00 to those who earn over ksh171, 000.00. The figures had to take into account those respondents whose currencies are Euro and US dollar by converting them to Kenya shillings at a prevailing rate of ksh 100 and ksh 86 respectively. The highest concentration of PAPs, 31 per

cent said they earn between ksh 26, 000 and 46,000 per month, closely followed by those earning 5,000 to 25,000 at 28.3percent. Those earning below 5,000 per month were 2.5 percent and those earning over 191,000 formed 7.5 percent of the respondents

Figure 6 below represents respondents' levels of income.

Figure 6: Respondents' level of income



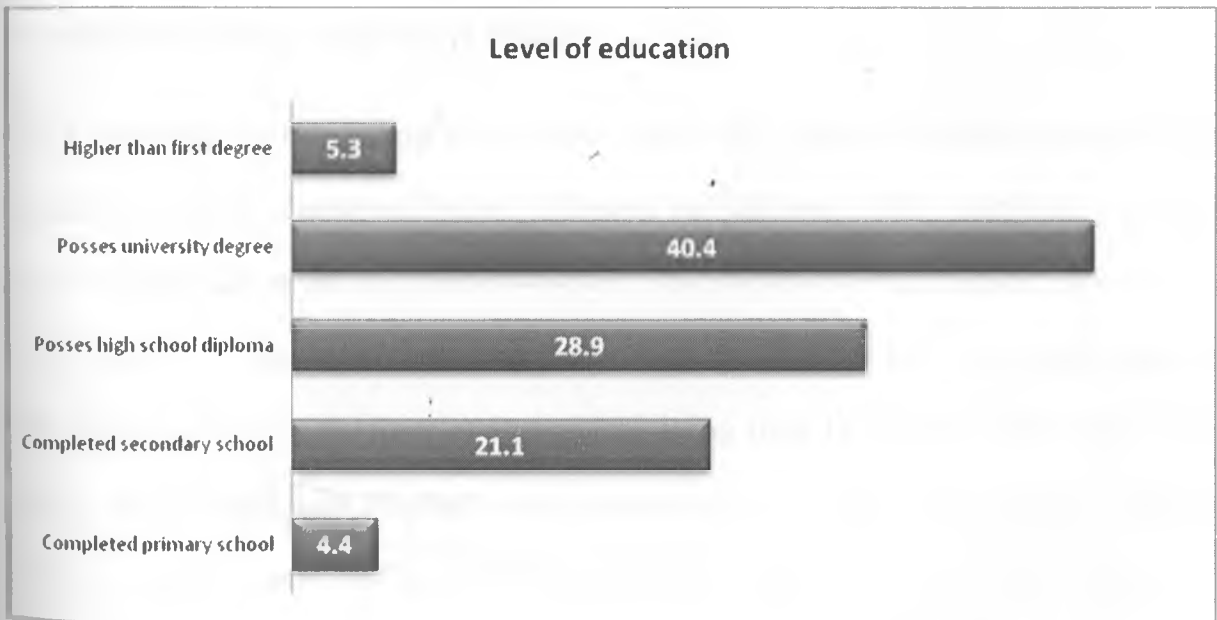
PAPs are required under law to be assessed as having sufficient ability to bring up a child. Proof of sufficient income to support a child consists part of the suitability assessment done by an adoption agency to establish the suitability of an individual to become a PAP. When the matter goes before a Judge, he has to be satisfied on this score. Under the Law of Massachussets, according to United Nations (2010), PAPs were to be assessed as having sufficient ability to

bring up a child by a judge. In Kenya this is done under the guidance of the adoption (children) Regulations (2005)

4.3.9: Respondent's level of education: Education levels were classified into five categories from which all the respondents were asked to choose which best represented their level of education. Respondents' stated level of education was distributed as follows; 40.4 percent possessed a first university degree, followed by those in possession of a high school diploma (28.9%). Those who had completed secondary and primary school were at 21.1 percent and 4.4 percent respectively. Among the respondents, 5.3 percent had post graduate degrees.

The level of education of PAPs is represented in figure 7 below.

Figure 7: Respondents' level of education.



On further analysis, the study found that 100 percent of the single never been married women held a first university degree as did 89 percent of the age group 25-46 years old who were majority of respondents. More women, at 54 percent had a first degree while all those in the

study who responded that they had higher than first degree were men. The respondents therefore tended to have a generally high level of education .This largely contributed to a good response rate of 96 percent to this study. Respondents were not averse to participating in the study as they appreciate the importance of scientific study in any given area; acquisition of knowledge for its own sake. They also know as informed members of society that new found empirical data will in future be useful to those involved in adoption in Nairobi both at micro and macro levels. Furthermore, they were also in a better position to understand the legal implications inherent in adoption. According to United Nations (2010) the practice of adoption has throughout history been governed under a set of laws. This finding is consistent with the finding on levels of awareness as seen in 4.5 below

4.4 Assessment of awareness levels on adoption procedures and requirements among prospective adoptive parents in Nairobi.

PAPS, like others seeking human services also interact with the Macro social systems which for instance involve bureaucracy according to Howard and Maloney (2008). Kenya has developed a legal framework which not only creates structures but to which PAPS are required to adhere. This is not peculiar to Kenya. According to United Nations (2010) one of the earliest legal texts referring to adoption is the Code of Hammurabi dating from 18th Century BC and throughout history adoption has been governed under a set of laws as seen in 4.4.8 above. The study therefore identified some key duty bearers and sought to find out whether PAPS were aware of their different roles. It also sought to know whether they displayed sufficient knowledge of legal requirements.

4.4.1 Levels of awareness of adoption arrangements. Respondents were asked how they first learnt of adoption. Of those who responded, 31.6 percent stated that they first learnt of the process of adoption through social interaction with individuals who had previously adopted, 21.4 percent learnt through an adoption agency, 14 percent through the media while 9.2 percent each learnt through a medical practitioner and religious gathering respectively. 2.0 percent of respondents got initial information from a Government official. The findings on the source of PAPs' initial information on adoption are represented in table 8 below.

Table 8: Source of Respondents' initial information on adoption

Source	Frequency	Percent
Media	14	14.3
Medical practioner	9	9.2
Religious gathering	9	9.2
Presentation by adoption agency.	21	21.4
Presentation by government office	2	2.0
Social interaction with individuals who had adopted	31	31.6
Seminar/conference	5	5.1
Other sources	7	7.1
Total	98	100.0

That most of those who responded had first learnt from individuals who had gone through the process on a one- on- one interaction is evidence to the effectiveness of this as a mode of learning. However there is a limit to how many individuals can be reached this way. It was deduced from the findings that some of the PAPs were already adoptive parents and therefore it can be concluded that having gone through the process, then they were conversant with the processes and their requirements. As observed in 4.3.3 above, PAPs who live in or come from near Nairobi, urban, and the only city county according to GOK(2010), were the most in the sample suggesting that the adoption client is part of macro social systems as well because they

are likely to be influenced by social actions such as awareness creation on the subject of adoption and sociological perspectives relating to questions of family composition.

To further test their knowledge of adoption legal requirements, respondents were asked to choose one from three options who is allowed by law to make adoption arrangements. Majority, 96.4 percent, correctly responded that an adoption agency has the mandate to make adoption arrangements. 2.7 percent responded any person of good character and .9 percent said a CCI as represented in table 9 below.

Table 9: Those mandated to make adoption arrangements.

Mandated to make adoption arrangements	Frequency	Percent
An adoption society	108	96.4
Charitable children’s institution(CCI)	1	.9
Any person of good moral standing	3	2.7
Total	112	100.0

When asked who was making their adoption arrangements, all those who responded answered that they were processing their adoption arrangements through an adoption agency with 42.1 percent being drawn from LANs, 21.9 percent each through KCH and KKPI and 14 percent through CWSK. The finding for which adoption society was handling respondents’ adoption arrangements is represented in table 10 below.

Table 10: Adoption Agency identified by respondents as handling their adoption arrangements.

Adoption Agency making arrangements	Frequency	Valid Percent
Child welfare society of Kenya (CWSK)	16	14.0
Kenya to Kenya Peace Initiative (KKPI)	25	21.9
Kenya Children's Home (KCH)	25	21.9
Little Angels Network (LANs)	48	42.1
Total	114	100.0

LANs was handling majority of respondents' adoption arrangements. The sample had been drawn proportionately since distribution of units in the 4 identified adoption agencies was not uniform. From focus group discussions, it emerged that LANs held interactive sessions for those who had completed the adoption process and invited those interested to participate in some of the sessions. This way they got first hand information, and later submitted applications to be assessed for suitability as PAPs. This finding is consistent with earlier finding of this study that 31 percent of respondents first learnt of adoption from individuals who were adoptive parents already (table 7). This explains the higher number of PAPs recorded by the agency since its inception in 2006. A 5 percent of respondents did not disclose which adoption agency was making their arrangements and this may be explained by findings in Table 8(above) which shows that some respondents thought that any person of good moral standard (2.7%) a CCI (.9%) has mandate to make adoption arrangements. In their findings, Williams and Njoka (2008) had found that some cases were filed in court by advocates before they went before any of the adoption societies' case committee for assessment on PAPs suitability and/or declaration of subject children as free for

adoption. They had concluded that this practice was widespread before the gazettelement of Adoption regulations 2005. Thereafter; the court would order that they retrace their steps to an adoption agency before proceeding with the filed adoption matter. A baseline survey,

GOK (2010) states that protective measures around adoption are provided by matching adoptable children with suitable prospective adoptive parents through registered adoption agencies.

The respondents were asked to state what point of the adoption process they were at and those who responded could identify where they were in the process as per table 11 below.

Table 11: stage of adoption process at which respondents were.

Stage of PAPs in adoption process	Frequency	Percent
Just declared a (PAP)	31	30.1%
Already declared a (PAP) placed with child and now going through mandatory bonding prior to adoption	30	29.1%
Already declared a (PAP) placed with child, completed mandatory bonding period	15	14.6%
Already declared a (PAP) placed with a child, completed mandatory bonding period and filed an adoption cause in high court of Kenya	27	26.2%
Total	103	100.0%

Therefore cumulatively, majority, totaling 56.3 percent of the respondents had just been declared suitable PAPs at the time of the study or were going through the court process. The study found that PAPs exhibited an acceptable level of awareness on adoption procedures and requirements and concluded that reasonably knowing what to expect in the process therefore contributes to making an individual decide to adopt a child. This finding was in agreement with the baseline survey (ibid) sought to assess the levels of awareness on alternative family care in Kenya. The survey found that 59.6 percent of the respondents understood adoption as owning of a child

legally with another 31.3 percent reporting that it is the permanent care or custody of a child. Other responses were that adoption is the care for a child who is orphaned (9.7 percent), giving parental responsibility (3.8 percent) and the caring for a child for a lifetime (2.1 percent).

4.4.2: Knowledge of legal provisions on adoption: Adoption under Kenyan law is a legal process of transferring all parental rights and responsibilities from the biological parent to the adoptive parents. The research sought to learn from the respondents their knowledge of some of the key provisions on adoption that facilitates this eventuality.

Asked to choose which structure had jurisdiction over adoption matters, majority, 81.1 percent of those who responded said correctly that only the High Court of Kenya has the mandate to pronounce an adoption decree while 18.9 percent responded that a children’s Court has this mandate as per findings in table 12 below.

Table 12: The court that has mandate to issue adoption orders.

Court with mandate to hear adoption matters	Frequency	Percent
High court of Kenya	90	81.1%
Children's court	21	18.9%
Total	111	100.0%

Of all respondents, 61 percent were aware that Kenya is signatory to The Hague convention on the protection of children and intercountry adoption(1993) percent responded no and 11 per cent did not know. Kenya acceded to the Hague convention w.e.f. 1st June 2007 and is one of 13 African countries that have ratified the Hague Convention, which provides various safeguards to ensure children are not adopted illegally. According to Phillips charlotte (2011), ratifying the

convention and implementing its stipulations is an important step in the battle against illegal adoptions. Worldwide, there are 83 contracting states to this Convention. Contracting states cooperate to ensure that adoption is done with the best interest of the child being paramount and agreement between the sending and receiving states that the PAPS are considered suitable. Kenya issues an article 23 certificate to certify that an international adoption has fulfilled the requirements of the said Hague Convention.

Finally, respondents were asked whether or not they would go through another adoption process in Nairobi and 88% of respondents said yes. They said they found the process without hurdles, effortless open and its details genuine. They also said they would go through the process again to expand their family and to help an abandoned child. Among those who responded no, majority, 54 percent said it was because they had had enough children, only 4 percent said they found the process long and tedious. Generally, the awareness levels and knowledge of key legal adoption requirements among the PAPS were found to be high. A key informant reported that when they came to the adoption agencies to start the process, would be PAPS displayed good knowledge of the key legal requirements.

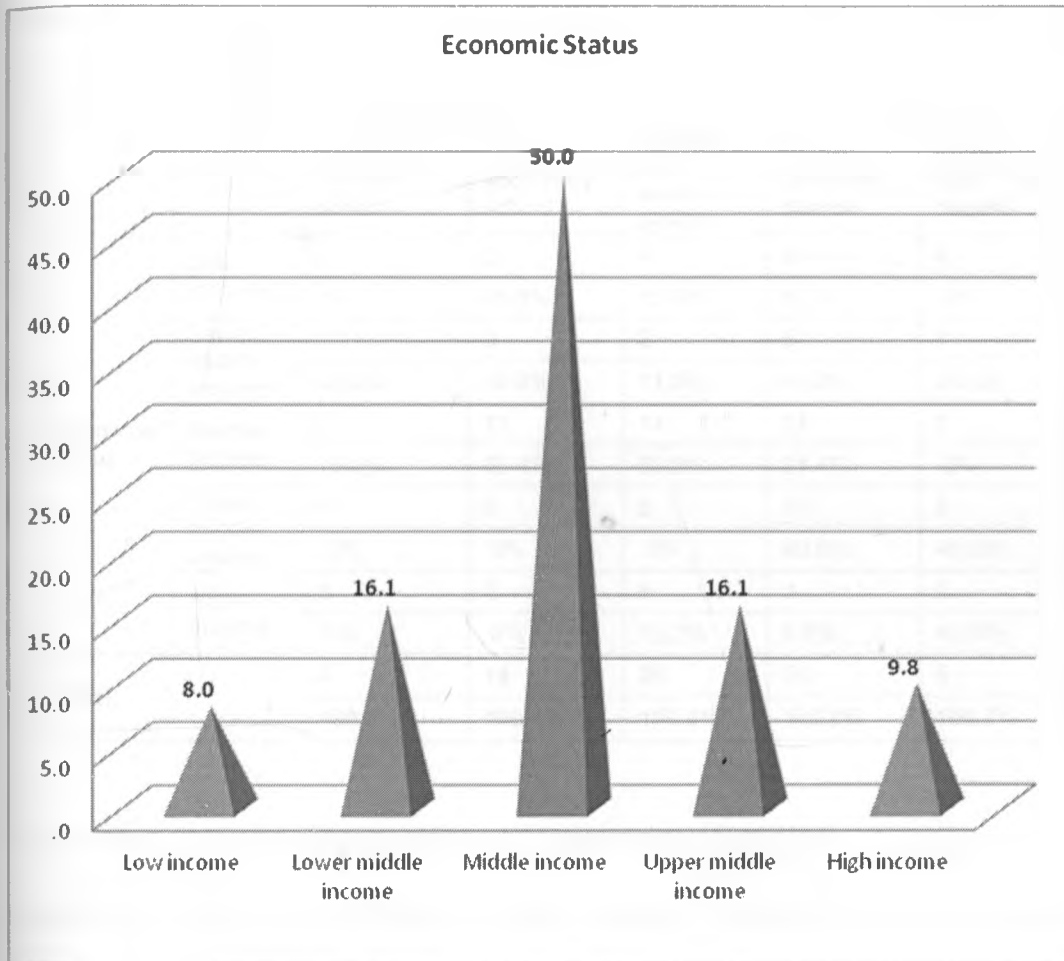
4.5 Socio-economic, socio-cultural and psychological factors that influenced the respondents' decision to adopt a child.

4.5.1 Socio-economic factors

Of all respondents, 53 percent responded in the affirmative that economic status was a factor in their decision to adopt. The respondents were further asked to assess their economic status. 50 percent of respondents assessed themselves as being middle income earners which was the

highest concentrate of respondents. Figure 9 below represents results of the applicants' self assessment of their economic status.

Figure 9: Respondent's self assessment of economic status



This self assessment supports the findings on characteristics of PAPs in regard to occupation where 39 percent of respondents are self employed, 40 percent possess university level of education, have sufficient income and are of appropriate age which are important socio economic indicators utilized to assess the suitability of individuals to become PAPs. The practice was first introduced by the Massachusetts Adoption of children Act 1851 which required PAPs to be assessed as having sufficient ability to bring up a child by a judge. This study concludes that

there is a correlation between the decision to adopt, and the socio-economic factors of a good education , a well- to- do economic status and occupation .Table 13 below illustrates this by cross tabulating level of education and respondents' self assessed economic status.

Table 13: Cross tabulation of respondents' level of education and their economic status.

		Level of education					Total
		Completed primary school	Completed secondary school	Posses high school diploma	Posses university degree	Higher than first degree	
Economic status	Low income	0	3	4	2	0	9
		.0%	15.8%	15.4%	5.7%	.0%	10.1%
	Lower middle income	1	3	3	5	1	13
		25.0%	15.8%	11.5%	14.3%	20.0%	14.6%
	Middle income	3	13	14	11	0	41
		75.0%	68.4%	53.8%	31.4%	.0%	46.1%
	Upper middle income	0	0	0	14	2	16
		.0%	.0%	.0%	40.0%	40.0%	18.0%
	High income	0	0	5	3	2	10
		.0%	.0%	19.2%	8.6%	40.0%	11.2%
Total		4	19	26	35	5	89
		100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

This finding is in line with the ecological perspective being part of macro social systems which according to Howard and Maloney (1998) suggests that we should be looking for interaction patterns among sets of variables rather than trying to identify single cause –effect relationship: that organisms (in this case the PAPS) are interdependent with their environment and this interdependence implies intricate patterns of connectedness. Secondly, the interaction patterns of organisms and their environments are dynamic, resulting from developmental and adaptive processes. At the macro level, Economic and political situations also inform not only the decision by PAPS to adopt but the availability of adoptable children in any given country.

4.5.2 The socio –cultural and psychological factors that influence respondents’ decision to want to adopt children.

Each particular individual’s micro social system includes individuals, small groups, families and couples. These have been identified as important in human service delivery according to Howard and Maloney (1998). The study sought to find out how micro social systems influenced the individual PAPs in this study in their decision to adopt a child. Respondents who already had children and those who did not have were of the view that it is necessary to have a child. Choosing from the hierarchy of needs, respondents sought to tick what they considered as appropriate description of this need. 30.3 percent considered the need to have a child as a physiological need, 10 percent responded that the need to have a child is a safety need, and 59.5 percent responded that they consider becoming a parent as a fulfillment of their innate potential as human beings. The results are presented in Table 14 below.

Table 14: The reason why respondents wanted to have a child expressed as a need.

Category of need	Frequency	Percent
Physiological	27	30.0
Safety	9	10.1
Self actualization	53	59.9
Total	89	100.0

At the base of the hierarchy presented in Abraham Maslow (1968)’s self actualization theory are basic physiological needs such as food, oxygen, water shelter and general survival. These are fundamental to life. At the very top of the hierarchy exists the need for self-actualization which has to do with the fulfillment of a person’s innate potential as a human being. In between are the Safety needs and involve the need for a secure and predictable environment. This may mean

living in decent housing in a safe neighborhood. The next level of needs is for belongingness and love. This includes intimacy and acceptance from others. These 3 are the lower level needs which once met then esteem needs develop. These relate to recognition by others that a person is respected or competent According to Maslow, self actualized people possess attributes that are consistent with highly successful people. Majority of respondents at 59.5% placed the need to have children, and thereby become parents at self actualization, the highest level according to Maslow's theory. Family and parenting are central to adoption since it creates new filial relationships. It also completely transfers parental rights from one set of parents (biological) to the adoptive parents and as a result severs the parental responsibilities and rights of the biological parents. The child in turn gains full legal membership in the new family. Section 171 of CA in explaining the effects of an adoption order states that "Upon an order being made, all rights, duties, obligations, and liabilities of the parents or guardians of child in relation to the future custody, maintenance and education of the child, including all rights to appoint a guardian and to consent or give notice of dissent to marriage, shall be extinguished, and all such rights, duties obligations and liabilities shall vest in and be exercisable by and enforceable against the adopter as if the child were born to the adopter inside marriage and in matters ...and the child shall stand to the adopter as a child inside marriage." The provision in its sub section 3 also states that the adopter and adoptee shall be deemed to be within the prohibited degrees of consanguinity. The adoption order is final binding and cannot be recanted.

4.5.2.1 To fulfill the desire of respondents to become parents for the first time.

The desire to be called parents and have a child of their own was found to be a motivating factor to 61 percent who were a majority of respondents. Those who responded that they already had children were 39 percent. These reasons are presented in table 15 below.

Table 15: Respondents' distribution by whether or not they already had children.

Whether or not respondents had children	Frequency	Percentage
Had children	47	39%
No children	73	61%
Total	120	100%

This finding is in agreement with the argument that for some PAPs , adoption is a demographic response to achieve a desired family size by adults faced with involuntary infertility and subfecundity as argued by United Nations (2010). Since the study also found that 46.8 percent of the respondents who already had children (see table 19 below) had them purely through adoption, it means that a sizeable portion of the respondents were adopting for a second or subsequent time. This would, by inference too, augment the numbers of those who were childless and only had children through adoption.

The majority, 73percent ,of those respondents who were not parents already said that they wanted to adopt in order to have a child of their own, 17.1percent to help a child unrelated to them (philanthropy) 7.3 percent to have someone who can inherit their property, and 2.4 % to get someone to continue their family name.

The reasons why respondents who were childless sought to adopt are presented in table 16 below.

Table 16: Reasons for respondents seeking to adopt if childless

Why seeking to adopt	Frequency	Percent
Have my own child	30	73.2%
Continue family name	1	2.4%
Have someone to inherit my property.	3	7.3%
Help deserving child who is unrelated to me to have love, home, family and better economic prospects	7	17.1%
Total	41	100.0

Some of the PAPs who were childless opted for adoption after unsuccessful exploration of conventional medicine or other social methods of trying to get children by childless adults. PAPs had a need to be called parents which they sought to fulfill through adoption. According Harvey (2007) in Sweden while people make the decision to adopt for various reasons, inability to have a biological child remains the most common reason and the most common obstacle to producing a first or even a subsequent biological child. The cause of infertility amongst married couples is found to be medical reasons relating either to the man or woman or both in a couple. At times, the cause is unexplained altogether leading to a situation of involuntary childlessness which even medical interventions like Intra Vitro Fertilization(IVF) are unable to deal with or a couple eventually tires of. This finding is supported by the 30.7% of respondents who did not have children who reported having tried other options to get children as shown in table 15 below.

The situation of childlessness may cause the couple untold grief creating an emotional response by the affected would be parents hence creating a crises. The foreign PAPs face the additional challenge of diminishing numbers of children available for adoption inside Western nations

further aggravating their childlessness. Adoption in this scenario then is a human services crises intervention required as a result of a sudden disruption in the life of the client precipitated by a situational crises or catastrophic event. Woodside and Mclam (1990) state that knowledge and skills are in such circumstances become necessary in supporting the client's sense of hope and eventual return to self reliance.

For these PAPs it is therefore a motivating factor to adopt so as to be called parents since at their age (91 % were aged 25-46 years) and marital status (75% were married), they and society at large expected them to be parents and they had failed in this causing them to react with grief thus precipitating a crises according to woodside and Maclam (1990). In this study, they constituted the majority of the respondents (69%). In addition however, among the respondents who had children, 48.8% had the through adoption which means that the respondents were undergoing a 2nd or subsequent adoption. It is likely that they may also have been childless before adopting for the first time making valid the argument that for some PAPs adoption is a demographic response to achieve a desired family size by adults faced with involuntary infertility and subfecundity as argued by United Nations (2010).

Respondents who were not already parents sought to fulfill their personal desire to be called parents i.e. to enjoy the rights and bear responsibilities of a parent through the adoption of a child.

4.5.2.2 Respondents' desire to have a child of their own: To deal with the absence of children to call their own, 30.7percent of respondents who did not have children reported having tried other options before resorting to adopt a child. When further asked to state what options they had tried, in their own words, they cited the following: Medical/fertility treatments percent, IVF 22.7

percent, infertility research 22.7percent, taking care of an orphan 4.5 percent, and fostering at 4.5 percent. Their responses are represented in table 17 below.

Table 17: Options first tried by childless respondents before they decided to adopt a child.

Options tried prior to decision to adopt	Frequency	Percent
Medical/fertility treatments	12	54.5.%
IVF	5	22.7%
Natural conception	2	9.1%
Caring for an orphan	2	9.1%
Fostered a child	1	4.5%
Total	22	100.0%

Their responses indicate that majority sought medical treatment to help enable them have biological children before deciding to adopt. Among those who disclosed what other options they had tried before deciding to adopt, 9.1percent employed social approaches known to be used by childless adults of taking in an orphan and fostering. Records at the adoption secretariat relating to local PAPs (majority in the sample) show that when they could not have their biological children, many had taken care of a close relative’s child for prolonged periods of time before opting to adopt(usually another child). The PAPs however found that more often than not the “fostered” child would always make reference or go back to stay with their natural parent. To their dismay, the child did not become “their own “in the manner they expected and for them to feel that they were parents. In the study, 25 percent of this category of respondents said they faced legal and social challenges while having long term care of a relative’s child. In their own words they cited the following challenges: Discipline- 16.7percent, lack of access to insurance cover -16.7percent, “talk” from the wider family affected 16.7 percent of respondents. 33percent reported that the children lacked respect due to them as parents and 16.7 percent of respondents

felt that the children carried a superior attitude towards them. They therefore thought it best to adopt a child instead of having an informal foster care arrangement often involving a relative's child. This is a very important finding,

Asked whether they know the difference between adoption, foster care and guardianship, majority of respondents, 92 percent, said they know while 8 percent responded in the negative.

The responses are represented in table 18 below.

Table 18: Whether respondents know the difference between foster care, guardianship and adoption.

whether respondents know the difference between foster care adoption and guardianship	Frequency	Percent
Know	104	92.0
Do not know	9	8.0
Total	113	100.0

Kinship “foster’ care is an issue that raises emotive reactions and whether or not it should get legal backing since it is quite common in Nairobi. It seems to have root in the practice where most communities prefer barren couples to take care of their relatives’ children instead of adopting “foreigners” while they have needy children within their community. Mbuga(2007).

The expectations of PAPS who long for a child to call their own are quite at variance with the communities’. According to one key respondent, the society’s perception is very important and affects how a child fares post adoption. Foster care under CA is the temporary placement of a child with a person who is not a child’s parent, relative or guardian and who is willing to undertake the care and maintenance of that child. Foster care is done by a District Children Officer and the manager of a CCI or Rehabilitation school using the strength of a care order

previously issued by a Children's Court committing a child to that institution. In foster care a child does not acquire any legal rights like inheritance rights but retains the legal rights from the family of origin. However, informal foster care has been used in most sub-Saharan cultures to give children a better life according to Williams and Njoka (2008) and closely resembles de facto adoption and fostering as described by United Nations (2009) a practice found among several traditional societies in America and parts of sub-Saharan Africa. According to United Nations (2009) de facto adoption and fostering means the practice of caring for a child either temporarily or permanently without a legally recognized contract and this has been practiced in many traditional societies though it takes various forms.

In conclusion, the study found that the choice to adopt by two groups of PAPS was informed differently: majority (73.2%) of those who responded that they had no children were informed by the desire to have a child of their own compared to those who already had children. Majority of respondents who had own children gave philanthropy as the reason they wished to adopt. Both groups were however in agreement on two characteristics of the child they wished to adopt, an abandoned child and not a blood relative. These two characteristics are confirmed by the findings on characteristics of the children preferred for adoption by PAPS as discussed further in 4.6 below.

4.5.2.3 Respondents' desire to increase the number of children already in the family.

This study found that 47 percent of respondents already had children in their families as shown in table 14 above. Those who had children were further asked to state how many they had. Of these 70 percent had 1-2 children; 21.3 percent had 3-4 children and 2.1 percent had 4-5 or more children. The findings are presented in table 19 below.

Table 19: The number of children respondents already had.

Number of children already respondents had	Frequency	Percent
1 - 2 Children	34	72.3
3 - 4 Children	11	23.4
4 - 5 Children	2	4.2
Total	47	99.9

The findings demonstrate that among the respondents were individuals who are already parents yet seeking to adopt. This is a departure from earlier findings that concluded that individuals only seek to adopt due to childlessness. There are factors that specifically inform the decision by respondents who were found to be parents already to seek to adopt discussed shortly after discussing 2 variables in the children they already had. Of all the children already in the PAPs families, 46.8 percent were adopted, 36.1 percent were biological and 17.1percent were a mix of both adopted and biological children. The findings on whether the children of the respondent were adopted, biological or a mix of both is presented in table 20 below.

Table 20: Children of the respondents by whether adopted, biological or a mix of both.

How respondents had their children	Frequency	Percent
Adopted	22	46.8
Biological	17	36.1
Biological & adopted	8	17.1
Total	47	100.0

The findings were that 46.8 percent of those who were already parents had their children purely through adoption, 36.1 percent had theirs biologically while 17.1percent had both adopted and

biological children. It was therefore inferred that a sizeable portion of the respondents were adopting for a second or subsequent time. The respondents who already had children therefore elected to increase the number of children they had through adoption.

A very interesting finding of the study was that the children already in the families (either natural or adopted) were evenly distributed by gender as follows: 34 percent boys only, 34 percent girls only and another 32 percent were a mixture of both boys and girls as shown in table 21 below.

Table 21: The distribution of respondents' children by gender.

Gender of children of respondents	Frequency	Percent
Only boys	16	34.0
Only girls	16	34.0
Boys & girls	15	32.0
Total	47	100.0

This finding proves that there is no particular gender based reason why those who were already parents decided to adopt. When it came to freely choosing the child they wished to adopt however, 46.5 percent of respondents preferred to adopt a female child and only 23.3 percent (half) preferred a male child. 30.2percent said they would be comfortable with either gender. The gender of child respondents would prefer to adopt is represented in table 22 below.

Table 22: The gender of child respondents would prefer to adopt.

Gender of child respondents would prefer to adopt	Frequency	Percent
Female	20	46.5
Male	10	23.3
Either	13	30.2
Total	43	100.0

Gender of child to adopt therefore was found to inform the choice of adoption by respondents a fact that was corroborated by findings on characteristics of child to adopt discussed under 4.7 below. The study had found that 36.1 percent of the respondents were already biological parents as per table 19 above. They were therefore asked why they wanted to adopt and yet they already had children of their own. Of these, 86.7 percent said that they wanted to help a deserving child who is not a blood relative (philanthropy). 6.7 percent cited the desire to have a child of the opposite sex and another 6.7 percent said they wanted to have a sibling for their child through adoption. Table 23 below represents the reasons why parents who already had biological children wanted to adopt.

Table 23: why respondents wanted to adopt despite having biological children.

Reason to adopt by respondents who already had children	Frequency	Valid Percent
Have sibling for my child or children	1	6.7
Have child of the other gender	1	6.7
Help deserving child who is unrelated by blood	13	86.7
Total	15	100.0

Philanthropy thus largely informed the decision of those in the sample who already had children to adopt. According United Nations (2010) Social change has been seen to play a key role in the motivations for adoption markedly over time. Societies of the past regarded adoption as a means of preserving family lineage, enabling the continuation of ancestor worship, creating political alliances and ensuring care for adoptive parents in their old age. Derett (1957); Gardner (1998) and Huard (1956). The finding in this study suggests that philanthropy is a key motivator to adopt for majority of the PAPs who were already parents in their own right. Of those respondents who had their biological children 86.7 percent gave the need to help a deserving child as the reason for wanting to adopt. This a departure from earlier findings by Mbuga (2007) stating that people adopt only due to childlessness. In addition some of the respondents who were childless also reported that they wished to adopt to help a needy child thereby boosting the numbers of those opting to adopt for philanthropic reasons.

4.5.7 Family support.

A majority, 80.9 percent, of those who responded said that their families had demonstrated support for the decision they had made to adopt while 7.3 per cent were categorical that their families had a problem with their choice and 11.8 percent were non-committal. The findings are presented in table 24.

Table 24: Whether family members had demonstrated their acceptance of child placed with respondents.

Demonstrated support from extended family	Frequency	Percent
Yes	89	80.9
Somehow	13	11.8
No	8	7.3
Total	110	100.0

Those who had familial support reported that family members had demonstrated this when they joined them in a celebration or trip to receive the child from the children's home(12.5%),attended the child's birthday party(11.8%) allowed the child to be socially named after one of the family members (Living or dead)as per their naming culture.(22.2%),Travelled long distances to see the child(15.3%),keep track of the progress of the adoption process via telephone, email, photographs(19.4%) and a sibling or other close family member had consented to be the child's legal guardian in case something untoward happens to the PAP after the adoption and they are not able to fulfill their parental responsibilities(17.4%).Only 1.4 percent reported that their families were unaware that they were undergoing the adoption process.

Demonstrated wider family support made a majority (70%) feel that their standing in the family had improved while 2.8percent expressed a wish that their family could be more involved and 26.4 percent said they really did not care for family support in their adoption process. Their responses are represented in table 25 below.

Table 25: Effects of family support on respondents

Effect of family support on respondents	Frequency	Percent
Improved standing in the family	51	70.8%
Wish for more family involvement	2	2.8%
Do not care for family opinion	19	26.4%
Total	72	100.0%

All in all wider family support was found to be desirable to a large majority of the adopters and therefore a factor influencing adoption, both local and international, information that was corroborated by records at the adoption secretariat. Coming together for a celebration and naming were according to the adoptive secretariat records found to be popular among locals.

Skype, email and travel into Kenya to meet the child proposed to be adopted by relatives were popular support mechanisms employed among foreigners and demonstrate aspects of globalization and modernity. The study therefore found that family support is an important psychological influence on respondents' choice to adopt.

4.6 Socio –cultural factors influencing respondents' preferred choice of child to adopt.

Characteristics of child to adopt:

Applicants were asked, if allowed to freely choose, what characteristics they felt were important to be present in the child they opted to adopt. Among those who responded, 46.5 percent said they would go for an abandoned child, 27.5 from own country 10 percent a child from their own race or tribe, and 7.5% would opt for a child who is a relative.

Table 26 below is a representation of the findings on the respondents' preferred characteristics of child to adopt.

Table 26: preferred characteristics of child to adopt by origin

Preferred characteristics of child to adopt	Frequency	Percent
Relative	6	7.5%
From own race or tribe	8	10%
From own country	22	27.5%
From another country	7	8.7%
An abandoned child	37	46.5%
Total	80	100%

4.7.1 Abandoned child. Among the respondents 46.5 percent preferred a child whose family of origin was unknown. Only 7.5 percent would opt for a blood relative confirming findings in

(4.5.5) above where challenges of adopting a living relative's child were explored in de facto fostering and adoption. The preference for an abandoned child for adoption over a relative may be explained by the disbelief over a parent consenting to give up all rights to their child according to Williams and Njoka (2008). Adoption services seek to provide a new and permanent family for children whose birth parents are unable or unwilling to provide them with the love, support and nurturing they need. It has been argued that by being of tender age, children need parental care for proper development. It can therefore be concluded that the child, if without parents say by virtue of abandonment, or suddenly loses their parents are in a situational crisis. In her thesis, Mbuga (2007) focused on Children in Difficult Circumstances (CEDC) and how adoption can be used to address their needs in a permanent family based solution that adoption is. Her study's focus was children who found themselves in a crises situation by being orphans including double orphans, as well as abandoned children against a backdrop of a gravely strained customary social support system which traditionally met the needs of such children through the extended family networks. One key respondent was however concerned about abandonment rates and how adoption could encourage mothers to abscond and leave children in places like health facilities soon after birth. This area deserves further enquiry.

Reports reviewed at the adoption secretariat show that majority of those blood relatives adopted are orphaned meaning that like the abandoned children, technically there is no biological parent to lay any claim over them. In some instances, as reported by key informants, adoption arrangements are reported to have collapsed when the import of an adoption order was clearly explained to a birth parent who had expressed their wish to give up their child for adoption to a relative. In one such instance, the natural parent initially understood that their son was being

'adopted' for purposes of better education prospects abroad only but would remain her child and return to assist her and her other children.

In as far as origin is in reference to the country of origin respondents would prefer to adopt from, 27.5 percent of all respondents said they would prefer to adopt from their own country compared to only 7.5 percent who would voluntarily go for a child from another country. This seems to bear out the argument that scarcity of children to adopt due to factors like abortion being legal drive people to adopt outside their countries. Harvey (2007), states that; European and Scandinavian countries e.g. The Netherlands, Finland and Sweden currently have few or no local adoptions since there are no children available for adoption there due to such factors as legalization of abortion and increased acceptance of single parenthood. The author states that this has made Swedish adults, many of them childless to look to Africa, South America, Asia and Eastern Europe for children to adopt. Children are best raised in their country of origin according to the subsidiarity principal of the Hague convention of 1993.

Gender characteristic preferred; Female: When asked what gender of child respondents wished to adopt, once again the female child was preferred by majority, 71.8 percent of respondents over the male child who was preferred by only 17.9 percent of those who responded, while 13.7 percent said that gender does not matter. The findings are represented in table 27 below

Table 27: Characteristic of child respondents preferred for adoption by gender

Gender of child preferred to adopt by respondents	Frequency	Percent
Female	28	71.8%
Male	7	17.9%
Either gender	4	10.3%
Total	39	100%

This particular finding further strengthens an earlier one in the study (table 14) that despite a gender balance in the children already in the family, majority PAPs wanted to invariably add a girl child into the family. This implies that there is a cultural angle to the preference of girls to adopt as opposed to boys in addition to the apparent legal bias (4.3.1 above). Single men hardly adopt and single women must show special circumstances to adopt a boy. So boys are left mostly for adoption by foreigners. According to Williams and Njoka 2008, boys were remaining behind in CCI in large numbers while girls readily found homes with adopters. This is further supported by the statistics of completed adoption (Table 1 above) which show that more girls who stood at 68.7 percent than boys at 31.3% were adopted by locals in the period 2003-2006. Key respondents from the adoption societies in their responses corroborated the preference for female children by adopters by saying that applicants, more so local ones often express concerns over adopting boys citing fear of introducing a strange male blood factor in the house and family lineage. In apparent concurrence with this, Adamec and Pierce (1991) state that "blood ties are presumed to be very important, even mystical, by some members of the society, there are individuals who see the non blood ties as a problem." One key respondent referred to this as an "animal" instinct. The key informant also pointed out that applicants and would be applicants often point out that girls would eventually marry away from the adoptive family and therefore

posed no threat to the family bloodline and are therefore less threatening to the cultural status quo. According to the CA (2001), the adopter and adoptee shall be deemed to be within the prohibited degrees of consanguinity. This legally rules out the possibility of an adopted girl child getting married within the immediate family later on. The boy child while equally subject to the rules of consanguinity will however bring in a marriage partner to join him as a bonafide member of the family and thereby continue in the family lineage. Key respondents also argued that according to their observations, PAPs maintain that girls are easier to parent than boys

When respondents were asked who they would prefer, (male or female) to inherit their property, a majority of those who responded, 70.3 percent said that gender does not matter, 16.2 percent and 13.2 percent of the respondents opted for males and females respectively to inherit their property. The findings are presented in table 28 below.

Table 28: The gender of child respondents preferred to inherit their property.

The gender of child preferred by respondents to inherit their property	Frequency	Percent
Male child	12	16.2
Female child	10	13.5
Gender does not matter	52	70.3
Total	74	100.0

A child adopted under the CA invariably assumes the family name and inheritance is an implied consequence of adoption since the child acquires rights as if he was born to the adopters. According to records in the adoption secretariat, sole female applicants who adopt female children point out that these children would invariably inherit their property and could account

for the 13.5 percent who were categorical that a female could adopt their property. The figures in this study are based on a largely local population: 82.2 percent of respondents were Kenyan (see figure 3 above). This is further borne out by the analysis of completed adoption statistics presented in table 1 where locals adopted only 31.1 percent males to 68.7 female children compared to those adopted by foreigners who were distributed 53.5 percent males to 46.5% females in the same period. While overall the study therefore found that respondents are generally motivated to adopt a female as opposed to a male child, the preference is found to be more pronounced among Kenyan PAPs. A possible explanation for this according to a key informant has to do with inheritance as in majority of Kenyan cultures, boys are heirs apparent as proved by this data showing that compared to girls, sons were the preferred gender to inherit their parents' property. By opting to adopt a female child 46.5 (table 22) and acknowledging that male children were more suited to inherit than girls then one can conclude that respondents don't want adopted sons to inherit their property. As a result more boys tend to remain in CCI according to William and Njoka (2008) who found that 75 percent of the children fewer than 5 years at the new Life Rescue Centre, Kisumu, were boys.

It is noteworthy that the Code of Hammurabi while granting adopted children equal rights to those of birth children, it only allowed male children to be adopted (United Nations 2010). Could this have been affirmative action meant to give the boys a head start even then and the law giver knew something that may have been lost in history? There is need to interrogate further the issue of gender as a factor in adoption.

5.0 CHAPTER FIVE: SUMMARY AND RECOMMENDATIONS

5.1 Introduction

This chapter gives the conclusion and a summary of the study findings of which factors inform, and therefore influence the choice of adoption by prospective adoptive parents in Nairobi. It goes on to give key recommendations arising from the findings which if implemented, can go a long way in enhancing the practice of adoption of children who require and deserve this alternative and permanent family care intervention. The chapter ends by suggesting new areas for future studies given the dynamic nature of the field of child adoption.

5.2: Summary of the findings

5.2.1: Characteristics of respondents: All respondents were undergoing an adoption process with the sample being proportionately drawn from four (4) adoption agencies in Nairobi. The study made the following conclusions about those who were most likely to be prospective adoptive parents in Nairobi.

- Cumulatively, majority of PAPA at 91 percent were found to be between 25 and 46 years old; in the lower half of the legal age limit for adoption of 25 than the upper limit of 65 years of age who accounted for only 9 percent of respondents. Those aged between 25 and 35 accounted for 45 percent and those 36-46 years old accounted for 46 percent of respondents.
- Majority of PAPA were female making 56 percent of respondents while male respondents accounted for 44 percent of respondents.

- Being a Kenyan National is a major contributing factor that informs an individual's decision to seek to adopt in Nairobi. They formed 82 percent of respondents. Of these, Kikuyu ethnic community accounted for 42.7 percent of respondents followed by the Kamba at 10.7 percent, the Luo were at 9.3 percent the Luhya at 5.3 percent and Kalenjin at 2.7%. Embu, Indian, Maasai and Meru were 1.3 percent each of sample.
- A majority of respondents (97.5%) subscribed to a religion with only 2.5 percent responding that they are nonreligious.
- Majority of PAPs were married (75%), lived together (93.3%) and 11 per cent of them sought to adopt a child five years into their marriage. 25 percent were single.
- Of all respondents, 40 percent were self- employed.
- Among the respondents, 31 per cent said they earned between ksh 26, 000 and 46,000 per month, closely followed by those earning 5,000 to 25,000 at 28.3 percent.
- Respondents generally had a high level of education and 40.4 percent possessed a first university degree.

5.2.2: Levels of awareness of adoption procedures and requirements among prospective adoptive parents in Nairobi.

The most popular way in which respondents first learnt of the process of adoption was through social one- on- one interaction with individuals who had previously adopted. The study found that PAPs exhibited a high level of awareness on adoption procedures and requirements and concluded that reasonably knowing what to expect in the process therefore contributes to making an individual decide to adopt a child.

5.2.3: socio –cultural, economic and psychological factors that influence decision to want to adopt

- According to the study, religion plays no role for the majority (54%) of PAPs in their decision to adopt a child. However besides the 27% who responded that it influenced their decision, it can be inferred that it had some influence on 9.2 percent of those who said their initial source of information on adoption was from a religious gathering.
- Majority of PAPs were married (75%), lived together (93.3%) and 11% sought to adopt a child five years into their marriage.
- Increasingly Kenyans with a university degree are embracing self employment. Such people are risk takers, embrace change which is consistent with someone coming forward to adopt a child in a society that has previously not had many adoptions despite the obvious need.
- The study found that there is a correlation between the decision to adopt, a good education and a well- to- do economic status.
- Family support is an important psychological influence on respondents' choice to adopt.
- Majority of respondents (69%) were childless and adoption for them is therefore a demographic response to achieve a desired family size by adults faced with involuntary infertility and sub fecundity.
- The study however found that some respondents (at 31%) already had children but elected to increase the number of children they had (and thereby expand their families) through adoption.

- In conclusion, the study found that the choice to adopt by two groups of PAPS was informed differently: majority of those who responded that they had no children were informed by the desire to have a child of their own(79%) to enable them enjoy the rights and bear responsibilities of a parent through the adoption of a child; compared to those who already had children majority (86%) of whom gave philanthropy as the reason they wished to adopt.

5.2.3: Socio-cultural factors influencing characteristics of children preferred for adoption by PAPS.

- PAPS sought to adopt an abandoned child as opposed to a living blood relative's child.
- Overall the study therefore found that respondents are generally motivated to adopt a female as opposed to a male child. The preference is more pronounced among Kenyan PAPS unlike the foreigners. Given that foreign PAPS are fewer in the sample; more boys therefore tend to remain in CCIs.

5.3: RECOMMENDATIONS

The following were recommendations arising from the study towards improving and enhancing adoption in Kenya:

- Develop a deliberate government policy to focus on the growing acceptance of adoption as a viable alternative family care option in Kenya. The study identified an emerging group of adopters who already had children and accounted for 39 percent of respondents 86.7 percent who gave philanthropy as the reason they wished to adopt.
- To ensure households carry out their nurturing roles smoothly and in the best interest of the adopted children, the Adoption committee and Adoption agencies to equip adopting families with requisite knowledge and relevant skills in raising adopted children within integrative families and other forms of households such as female headed families.
- Adoption agencies to take note and promote social family support for would be adopters 70.8 percent who reported that demonstrated family support helped them experience an improved standing in the family.
- Awareness messages on adoption by adoption agencies and other stakeholders need to be tailored to promote equal opportunities for both boys and girls in adoption. The study found that girls are preferred over boys especially by Kenyan PAPs whose attitude and cultural biases tend to favour adoption of girls over boys. Among those respondents who were found to be parents already, 46.5 per cent preferred to adopt a girl child while 23.3 percent preferred a boy child despite the gender of the children they already had. (34% had boys only 34% had girls and 32% both boys and girls). As a result, boys tend to remain behind in CCIs.

- Since some of the biases against the adoption of male children seem to be as a result of lacunae in the current adoption legal provisions in CA. To address this the Legislature should amend the law on adoption to allow single women who accounted for 100% of single PAPs in the sample adopt boy children.
- As the foregoing recommendations aimed at increasing adoption chances for boy children are being worked out, it is recommended that the National Council for Children services urgently enhances resource subsidies aimed at developing the male children already in CCIs into responsible and independent adults after they exit from the CCIs.
- This study further recommends to all stakeholders while undertaking awareness raising on adoption to include content on foster care and guardianship to ensure only appropriate and relevant placements for deserving children in alternative family care.
- Adoption agencies all which were found to be within Nairobi during the study should work towards a nationwide reach by opening branches countrywide to reach all forty seven (47) counties to improve uptake of adoption.'
- Adoption agencies, the Hague Secretariat for adoption and development agencies should assist disseminate findings of academic studies such as this in order to influence leaders, policy and the public at large. Similarly, the Adoption secretariat which was, during the study, found to have rich and current secondary data should be enabled by the mother Ministry i.e. that of Gender Children and social Development to compile and avail the same to stakeholders on a regular basis to help stimulate further research.

5.4 Areas for Further Research

1. A study of the gender dynamics in adoption. Both as a characteristic of PAPs and adoptable children.
2. As a strategy to promote make local adoption more acceptable and promotable, examine the cultural systems of some ethnic groups like the Kikuyu which have embraced adoption of children.
3. Abandonment of children. To address the information gap between how a child ends up in the care of a children's Home before going on for adoption. Are abandonments too pedestrian and could inadvertently be encouraged by adoption. Can mothers give up their children up after due counseling so they make informed choices but not succumb to societal pressures such as ,poverty, societal disapproval, consequences of illicit sex or sexual violence that result in pregnancy that push them to abandon their children at birth or soon thereafter . How for instance do ,systems in health care facilities promote albeit inadvertently, abandonment of infants by their birth mothers.
4. The creation of a great diversity of family and household forms, unimaginable to earlier generations brings with it a mixture of opportunities and risks to the emotional and personal lives of their members. Some of the parenting challenges for instance in intercountry adoption relate to the fact that the family becomes transracial. The creation of new unconventional families as a result of adoption including but not limited to reconstituted, lone parent, and transracial families call for study.

5. Resultant parenting challenges post adoption –real or imagined? Do adoptive parents face unique parenting challenges stemming from the fact that the child being parented was adopted more so given the fear expressed by respondents that boys would be more difficult to parent than girls? Would parenting challenges experienced post intercountry adoption for instance be due to the fact that the family becomes transracial ?

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Appendices

(i) QUESTIONNAIRE TO PROSPECTIVE ADOPTIVE PARENTS IN NAIROBI

My name is Judy Ndungu and am carrying out a study on the topic: "what informs the choice of adoption among prospective adoptive parents in Nairobi." This is in partial fulfillment for the award of a master's degree in Sociology at the University of Nairobi. I kindly request you to assist me by completing this questionnaire, an exercise not intended take much of your time. The information you give is for academic purposes only and shall be treated in strict confidence. Your cooperation is greatly appreciated.

Respondent to skip this part.

- I. Date interviewed-----/-----/2011
- II. Respondent No.-----

Please answer all the questions as guided and to the best of your ability *by*.

CIRCLE the appropriate numeric response (in the brackets) or
.....WRITE a clear, precise and brief answer in the spaces provided.

Please note that some questions:

- *have skip instructions attached to them*
- *specifically ask you to choose only one response*

SECTION A

1. Respondent's Name (optional).....
2. Gender: Male (1) female (2)
3. Which is your Nationality?
 Kenyan (1) US(2) Dutch(3) German (4) Swede (5) Fin(6)
Other (Specify).....
4. If your response to question 3 above is Kenyan, which ethnic group do you belong to?.....
5. Please circle the age category you fall in
 25-35yrs(1) 36-46yrs(2) 47-57yrs(3) 56-66yrs(4) Over 66 yrs (5)
6. Where do you currently stay?.....
7. Is the house you live in
 owned by you(1) rented(2) on mortgage(3)
other (specify).....
8. What religion do you belong to? Christian(1) Islam(2) Hindu(3) None
religious(4)
other (specify).....

9. What is your Occupation?
 self employed (1) public service * (2) private sector corporate (3)
 other (specify).....
 *employed as a civil servant in a government ministry, disciplined forces (army, navy police, government service, local government, Member of Parliament and /or cabinet Minister
10. Level of income per month in Ksh
 Below 5,000(1) Between 5,000-25,000 (2)
 Between 26,000 and 46,000 (3) Between kshs.47,000 and 67,000(4)
 Between ksh.68,000 and 88,000(5) Between ksh.89,000 and 109,000(6)
 Between ksh.110,000 and 130,000(7) Between ksh.121,000 and 149,000(8)
 Between ksh.150,000 and 170,000(9) Between ksh.171,000 and 191,000(10)
 Other (specify).....
11. If you are not in gainful employment right now, do you plan to...?
 rejoin formal employment(1) become self employed(2)
 Seek employment(3) be a stay at home parent (4)
 take a prolonged maternity/paternity leave(5)
 Other (specify).....
12. Are you married?
 Yes (1) no(2)
13. For how many years you been married?..... (skip 13,14 ,15 16&17) below if you did not circle "yes" in 12 above)
14. Is your marriage Polygamous(1) monogamous(2)
 Other(specify).....
15. Are you currently living in the same house- hold with your spouse?
 Yes (1) no(2)
16. If not living together, why?
 Separated (1), Living(2) and working in different locations(3)
 Other reason (specify).....
17. Are you.... (skip if married)
 widowed(1) divorced(2) never been married(3)
 Other(please specify).....
18. Do you have children?
 Yes (1) no(2)
19. If your answer to Q 18 above is yes, how many children do you have? (Skip if your response to Q18 is no)
 a) 1-2 (1) 3-4 (2) 5-6 (3) More than 6 (4)
20. What is their gender? only boys (1) only girls(2) boy(s) and girl(s) (3)
21. Name the gender of child you would prefer to adopt
 Female(1) male(2) either gender(3)
22. Please tick against your highest level of education?
 completed primary school (1)
 completed secondary school (2)
 possess a high school diploma (3)

32. Is Kenya a signatory to the Hague Convention on the protection of children and intercountry adoption of 1993?

- Yes (1) no(2) I don't know(3)

33. At the end of the adoption process what document(s), according to the law, are you eligible to receive and have in your possession as future proof that you are an adoptive parent to your child? (please circle only one response)

- An adoption order only(1) An adoption order and an adoption certificate (2)
- An adoption certificate only(3) An adoption order ,an adoption certificate and an article 23 certificate of conformity(4)
- A birth certificate(5) No certification at all, "the child belongs to me!"(6)

34. Do you know the difference between adoption, foster care and guardianship?

- Yes (1) no(2)

Please tell me more about yourself and what may have influenced you to opt to adopt

35. How would you classify your family economic status?

- Low income(1) Lower middle income(2)
- Middle income(3) Upper middle income(4)
- High income(5)
- Other (Specify).....

36. Has your self - declared level of income been a factor as you considered and pondered your decision to adopt?

- Yes (1) no(2)

Please explain your response.....

37. Are your children... *(Skip this question if no children)*

- adopted (1) biological (2) biological **and** adopted(3)

38. If you have previously adopted, why do you want to adopt another child?

- To have a sibling for my child(1) To have a child of the other gender(2)
- To help a deserving child who is unrelated to me to have love, home , family and better economic prospects (3)
- To give my **deceased** sibling's or other close relative's child love, home, family and better economic prospects (4)
- To help my **less fortunate** or other close relatives' child gain access to benefits such as education and medical cover provided for by my employer since to qualify, a child must be my own child by birth or by adoption (5)
- Other reason(specify)

39. If you already have a biological child or children, why do you want to adopt a child?

- To have a sibling for my child or children(1)
- To have a child of the other gender (2)
- To help a deserving child who is unrelated to me to have love, family and better economic prospects (3)
- To give my **deceased** sibling or other close relative's child love, home , family and better economic prospects (4)

- To help my *less fortunate* sibling or relatives' child gain access to benefits such as education and medical cover provided for by my employer since to qualify, a child must be my own child by birth or by adoption (5)
- Other reason(specify)

40. If you have no child, why do you want to adopt one? (*Skip this question if you already have children*)

- To have a child of my own (1)
- To continue the family name (2)
- To have someone to inherit my property (3)
- To help a deserving child who is unrelated to me to have love, home, family and better economic prospects (4)
- To give my *deceased* sibling or other close relative's child love, home and family and better
- To help my *less fortunate* sibling relatives' child gain access to benefits such as education and medical cover(5)
- Other reason (specify).....

41. Have you ever considered or even tried other options in an effort to get children who would call you mom or dad if you have no child already?

- Yes(1) no(2)

Please identify some of them

.....

42. If your answer to Q41 above is "yes" and one of the efforts was long term stay and taking care of a relative's child, did you face any social or legal challenges while playing some parental roles over that child? (**Skip if your answer to Q 41above is "no"**)

- Yes(1) no(2)

43. If your answer to the above question is yes, please cite at least two challenges and how each made you feel.

.....

44. What category of needs would you place the desire to be called a parent;i.e to enjoy the rights and bear responsibilities of a parent?

- A basic physiological need as fundamental to life as food(1)
- a safety need assuring me of a secure and predictable environment(2)
- intimacy and acceptance for belongingness and love from others (3)
- Recognition and respect by others(4) .
- Fulfillment of your innate potential as a human being (5)

Please tell me more about your decision to adopt

45. In the following statements tick ,where applicable, those statements that are descriptive of your religious community support of your adoption process? Please skip this question if your response to question no.8 is "None religious"

- the subject child has been recognized as a legitimate member of my religious community through a formal ceremony (1)
- the subject child receives regular religious instructions developed by my religious community suitable for his/her age (2)

- My religious community has an adoptive parent support group to which I belong or intend to join(3)
- my religious community has a special adoption service/event in its annual calendar of activities to create awareness on adoption to its members(4)
- members of my religious community support an orphanage as a charity project which is the only recognized place where those children without families can be taken care of until they become adults(5)
- my child has complained of being called a “bought “child by another while attending a religious activity and the person in charge did not know how to deal with that .
- the stated beliefs of my religious community outlaw inheritance for those who are not of the bloodline(6)
- the stated beliefs of my religious community vigorously uphold teachings that forbid adoption altogether (7)

46. Which of the following characteristics and qualities would you want in the child you wish to adopt

- A relative(1)
- From your own race/ tribe (2)
- from your country(3)
- from another country(4)
- An abandoned child(5)
- Female(6)
- male(7
- either gender(6)
- mother offered(8)
- child with disability(10)
- child in perfect health(11)

Any other(specify).....

47. If your decision to adopt has to do with continuation of the family name or inheritance, which gender of child, in your opinion is best suited to achieve that?

- Male child(1)
- female child (2)
- gender does not matter(3)

Why?.....

48. Have members of your family demonstrated acceptance of the child to be adopted ?(skip if not already placed with a child)

- Joined us in a celebration or trip to receive the child from the children’s home(1)
- Attended the child’s birthday party (2)
- Allowed the child to be socially named after one of the family members (Living or dead) as per our naming culture.(3)
- Travelled long distances to see the child (4)
- Keep track of the progress of the adoption process via telephone, email, photographs(5)
- A sibling or other close family member has consented to be the child’s legal guardian in case something happens to me and am not able to fulfill my parental responsibilities(6).
- They don’t know about this process (7)

Other(specify).....

49. How does family reaction and surrounding community make you feel since the child came to live with you? ?(skip if not already placed with a child)

- “My standing in the family and society generally has improved”(1)
- “I wish my family could be more involved but cant”(2)

" I don't care for their opinion in this"(3)

Other(specify).....
.....

50. Have you let your domestic workers and or other people living with you know that the new child in the house is not your biological child? (*skip if not already placed with a child*)

Yes (1) no(2)

Why?.....

In Conclusion

51. Please give a comment on the following regarding your adoption process experience so far

a) Would you go through an adoption process again and why?

.....
.....

b) Compare, if you are going through an adoption process in Nairobi for a second or subsequent time, whether the process worsened (1) remained the same(2) improved (3) since your earlier adoption?

In which ways?.....

.....

c) Briefly state what you would wish to see changed or improved in any part of the process for you or others planning to undergo the process of adoption

.....
.....

END OF QUESTIONNAIRE. THANK YOU.

(ii) **INTERVIEW GUIDE FOR KEY INFORMANTS.**

My name is Judy Ndungu. Am carrying out a study on the topic: “**what informs the choice of adoption among prospective adoptive parents in Nairobi.**” This is in partial fulfillment for the award of a master's degree in Sociology at the University of Nairobi. I kindly request you to assist me by completing this questionnaire which is intended not to take much of your time. The information you give is for academic purposes only and shall be treated in strict confidence. Your cooperation is greatly appreciated.

These questions are directed to key representatives of institutions that are crucial to the adoption process in Kenya i.e. A High court judge, Chairman of the adoption committee, Director of children's services who is also the secretary of the adoption committee, Directors of 4 adoption societies. Head of adoption secretariat. 1 Active family/child law practitioners who is an expert and in active practice in family law generally and in particular represent PAPs in adoption matters before court.

1. What is the role played by your organization as far as adoption of children in Kenya is concerned?
2. Is your role in the arrangements or legal part of the adoption process? Which term do you use to refer to PAPs when they are receiving service from your organization
3. For how long have you been active in this field?
4. Can u tell us your observations about those who get cleared as prospective adoptive parents in the following areas.
 - Age
 - Level of education and
 - Religious persuasions
 - From which ethnic groups of Kenya do most of the adopters tend to come from? What explains this?
 - Why some ethnic groups are apparently shy to adopt children.
5. Is it only individuals who have fertility issues who come forward to adopt.
6. Which types of children by sex and age and any other characteristics seem popular with the adopters. Do the adopters' preferences and or the children popularly declared free for adoption seem to leave out some in your view. How can this be addressed.
7. Is adoption a foreign concept in Kenya? Are there sectors known to you that discourage adoption of children and what can be done?
8. How does society view people over 30 and do not have children yet?
9. Is the law on adoption all inclusive in identifying PAPs . What progressive amendments would you recommend to both the Act and adoption regulations to accommodate certain issues that have been brought to your attention regarding law and practice in child adoption in Kenya?
10. Do you think the preparation of CJ RULES is consequential to the processing of adoption matters in the High court which as you know issues the decree of adoption.
11. What is your opinion of international adoption? Is there a risk of developing it at the expense of local adoption. Which western countries seem to send PAPS to Kenya and why.
12. Awareness creation on adoption:

- Who should spear head this? And has there been any baseline survey to assess levels of awareness in the country? Does your organization in any way participate in awareness creation on adoption? Should it?
 - Do all the people who could adopt get an opportunity to do so and if not what are some of the stumbling blocks.
13. What is your take on the notion that adoption is only for the rich?
 14. What resources (human and financial) does your organization allocate to adoption activities.
 15. On average how many adoption cases pass through your hands and how do they compare with the figures from the office of the Registrar general? Do u think all the adoptive parents present themselves to the principal registrar for the adoption certificate? Why and what can be done?
 16. Please tell us what arrangements you have in place to ensure confidentiality for applicants ,child to be adopted and their documents.
 17. What do you think your organization or another key player in the process of adoption in Kenya can do towards improving service delivery in this sector
- END OF INTERVIEW. And thank you for your time.**

(iii)INTERVIEW GUIDE FOR FOCUS GROUP DISCUSSION

One Focus Group Discussion will be conducted and the targeted participants will be 6 to 10 in number. Participants will include PAPs, social workers, children officers, managers of charitable children Homes and adoptive parents.

18. What types of children tend to get preferred by prospective adoptive parents in their applications? Do you always meet these specifications when it comes to matching? If u can't, explain what happens.
19. What have you observed to be the average
 - Age
 - Level of education and
 - Religious persuasions
 - Of 40-plus recognized ethnic groups in Kenya where do most of the adopters come from?
 - Why are some ethnic groups shy to adopt
 Are there extremes in the above characteristics?
20. Is it only individuals who have fertility issues who come forward to adopt? Are there instances where individuals of a couple may be certified fertile yet fail to achieve conception in their marriage.
21. From your experience, do you find PAPs have significant knowledge of the requirements for adoption or do feel you spend time correcting their claimed knowledge of adoption rules and regulations?
22. Who/what is their primary source of information?
23. Can you often make an educated guess as to the ethnic group the child proposed to be adopted comes from and what reactions does it elicit from PAPS?

24. Do some of the parents have specific requests for a child in their initial application? Regarding which characteristics?
25. Is tribe/cultural background one of their stated grounds? Are you then able to meet these criteria?
26. What cultural attributes seem to heavily influence PAPS at any stage of the adoption
27. From your experience is religion an important factor in PAPS choice to adopt?
28. When parents offer a child for adoption, what are some of the challenges you encounter?
29. In your view have the recently implemented child adopting regulations had a positive or negative impact on the process? Please be specific
30. In the whole process of adoption, what could be done more efficiently?
31. What's your take on the 3 month bonding period under section 157? Is it always adhered to? Do some Paps spend less or more time in this stage? Why?
32. Please comment on any of the adoption provisions/regulations and what you think of them when it comes to their implementation.
33. What progression do you see in an individual PAP during the time you are delivering service to them?
34. Given that there are many organizations dealing with PAPS during the adoption process, how do you feel the PAPS transitioning from one stage or organization to another feel. What could be done better?
35. Comment on the confidentiality requirement in adoption and the tendency of Paps to secrecy.
36. Suggest how Paps can efficiently acquire the adoption certificate and article 23 certificate (where applicable) and suggest a suitable time limit after the High Court Issues the final adoption decree.

END OF INTERVIEW. Thank you for your time.