

CHILD ADOPTION AND ITS IMPLICATIONS ON CHILDREN  
IN DIFFICULT CIRCUMSTANCES (CEDCS) //

BY

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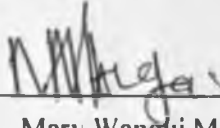
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## DECLARATION

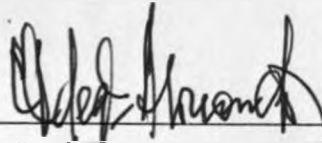
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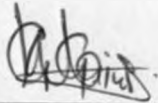
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This thesis has been submitted with our approval as university supervisors.



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## DEDICATION

This work is dedicated to my father Mr. Albert N. Githuka for his love for education which has been a great source of inspiration in every stage of my academic advancement.

## **ACKNOWLEDGEMENT**

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## ABSTRACT

The situation of Children in Especially Difficult Circumstances (CEDCs) in Kenya is an issue of major concern. Children are orphaned daily mainly due to HIV/AIDS, others are abandoned as a result of unwanted pregnancies, more are suffering neglect, while others are victims of physical and sexual abuse. These children undergo a lot of psychological and physical trauma and many of them have been forced to the streets and child labour. What most of these children lack and require is a home with loving and caring parent/s.

Child adoption is one of the interventions that can provide an alternative home for CEDCs who cannot be reintegrated back to their biological families. It is in view of this that this study attempted to look at child adoption as an intervention strategy for CEDC in Kenya. The study limited itself to child adoption among Kenyans. Through purposive sampling, respondents deemed familiar with the adoption practice in Kenya were identified as the study informants. These included, Children's Officers, Social Workers and Managers of Non-Governmental Organisations that deal with child adoption. Face to face interviews were conducted with the respondents and an interview schedule mainly with open-ended questions was used.

The study had four specific objectives. The first one was to examine the relevance of the major socio-economic factors that qualify adoptive parent/s for placement with an adoptive child. Some of these factors include; the age, marital status, health, fertility status and level of income of prospective adoptive parents. Secondly, the study was set to establish the extent to which child adoption is socially accepted in the Kenyan society. This was reflected through the respondents' views on the general public views towards adoption, their views on whether culture influenced Kenyans attitude towards adoption

and the reasons that motivate Kenyans to adopt children. Thirdly, the study sought to establish from the respondents whether child adoption has been adequately utilized as an intervention strategy for CEDCs. Lastly, the study sought to identify constraints within child adoption practice in Kenya that may impede its effectiveness as an intervention for CEDCs.

The study findings revealed that the relevance of the socio-economic factors considered on prospective adoptive parents before placement with a child was to ensure that they are suitable to provide parental care to the adopted child. Further findings revealed that child adoption is yet to be socially accepted among Kenyans. The respondents' views revealed that most Kenyans have negative attitude towards adoption and that most of those who adopt are motivated by personal interests. Though identified as a good intervention strategy for CEDCs by the respondents, child adoption has not been utilized in Kenya. The respondent indicated that very few children are adopted by Kenyans. The situation was attributed to low awareness among Kenyans on child adoption. The study established that if sensitized, many Kenyans are likely to acquire positive attitude about adoption and as a result many CEDCs are likely to benefit from the service. Child adoption gives a child an opportunity to grow up in a family that is the best institution for every child.

The study further established that child adoption is faced with a lot of constraints. A key concern among others was that despite low awareness among Kenyans about child adoption little was being done to sensitize them on the same. Another concern was that child adoption is a very expensive process especially due to the legal fee involved and therefore unaffordable to majority of Kenyans.

Child adoption has not been given emphasis as intervention strategy for CEDCs while many children continue to suffer due to lack of parental care. Many Kenyans are not sensitized on child adoption and it might take sometime before they understand the great role they can play by providing a home for CEDCs. The study recommends that the government should take lead in sensitizing Kenyans about adoption. The legal fee attached to child adoption should be standardized and made affordable to Kenyans. The study has further recommended for subsidies to families wishing to adopt children but lack enough resources to provide for their needs. Owing to the great role that child adoption can play as an intervention strategy, and considering the scarcity of information on child adoption in Kenya, the study has recommended that it may be given focus in terms of research. Different aspects of child adoption should be studied in order to further inform and improve the practice in Kenya.

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## **Acronyms and Abbreviations**

**AIDS-** Acquired immune deficiency syndrome

**ANPPCAN-** African Network for Prevention and Protection of Child Abuse and Neglect

**CEDCs-**Children in Especially Difficult Circumstances

**CNSP-** Children in need of special protection

**GOK-**Government of Kenya

**UNICEF-**United Nations Children’s Fund

**HIV-** Human Immunodeficiency Virus

**UN-**United Nations

**RAAAPP-** Rapid Assessment, Analysis and Action Planning Process

## CHAPTER ONE

### INTRODUCTION

#### 1.1 Background information

The Children Act, 2001, under the Kenyan Law defines a “child” as any human being under the age of 18 years. In some African communities, this legal definition does not hold since a child is any person who is still dependent on his parents or not married.

Traditionally, children were valued and owned by the community. The extended family played a noble role in protecting its members. In times of death, the children of the deceased were taken care of by the extended family, often the uncles and the aunts. The children brought into the household of relatives were treated equally with those of that household (Kanyongo –Male and Onyango, 1984). The cost of living was low and people could manage to feed large families (Midega, 1980). Many scholars have documented the importance of children in Kenyan society. For instance, Jomo Kenyatta in his book, *Facing Mount Kenya*, states “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” (Kenyatta1938:87). Professor Mbiti, in *African Religions and Philosophy*, highlights the importance of kinship in raising children, thus:

*It is the community, which must protect the child, feed it, educate it and in many ways incorporate it into the wider community. Children are the buds of society and every birth is the arrival of “spring” when life shoots out and the community thrives (Mbiti 1969:110).*

Kadushin in Lindsey (1994:3) states, "When we examine how a society cares for its children we are directly peering into the heart of a Nation."

Due to changing socio-economic factors, the extended family support mechanisms have been weakened and are incapable of coping with the increasing need of homes for homeless children in Kenya (Midega, 1980). The circumstances facing many children are deteriorating as a result of major factors like social change, poverty, rapid urbanization, teenage motherhood compounded by HIV/AIDS. The Kenya National HIV/AIDS Strategic Plan (2000-2005) indicates that more than one million people have developed Aids and died leaving behind closely to one million Kenyan orphans. Farmer (1979:6), states that certain functions that are carried out by the family, must now be performed by some agencies for any society to survive.

Children are in especially difficult circumstances when their basic needs, such as food, shelter, education, medical care or protection are not met. There are various categories of children that fall within this definition; the major ones include: the street children, abandoned, neglected, destitute, orphans and child laborers. All these groups undergo various forms of deprivation, abuse or exploitation, and in Kenya, as in other parts of the world, they are on the increase (GOK/UNICEF, 1992). In Kenya in particular, the problem of CEDCs is visibly manifested by the increasing number of street children, increasing child workers and increasing cases of child abuse. In his remarks while addressing participants in a National Conference on Child Rights and Protection in 1998, Mr. Lee Muthoga, the then Chairman of African Network for Protection and Prevention of Child Abuse and Neglect (ANPPCAN) emotionally described the situation by stating that, "our urban centers are littered with children

of all ages, children who are without a home, help or hope, children who are not being “brought up” but are simply growing up”. Children with no history and no expectation, “Nobody’s children!”

In response to the plight of CEDCs, the Government, Non-Governmental Organizations, UN Agencies, Civil Society and individual well-wishers have come up with various intervention measures, which range from institutionalization, foster care, and family empowerment to child adoption. Despite these concerted efforts, the burden of caring for CEDCs has continued to weigh heavily on the existing intervention facilities. To have real impact, concerned agencies should concentrate less on curative and more on preventive solutions (GOK/UNICEF, 1999). The Government in collaboration with UNICEF in 1999 developed a Kenyan Rights-Based Model for Sustainable Socio- Cultural and Economic Reintegration Model for Children in Need of Special Protection (CNSP). This model emphasizes for community based care for CEDCs and cites child adoption as one of the best practices of community care. In 1974, the late President of Kenya, His Excellency Jomo Kenyatta, appointed a Commission of Inquiry to look into the issues of child adoption. The Commission highlighted the importance of child adoption as a solution for many homeless children in Kenya and stated that a true home with adoptive parents gives a child a real sense of belonging.

In the World Book Encyclopedia (1996), Child adoption is defined as “a legal process by which people take as their own son or daughter a person not born to them biologically. The adoptee is entitled to privileges as children biologically born to a parent or parents, including the right to inheritance.” Sec 171 of the Children Act, 2001 states, “ Upon an adoption order



being made, all rights, duties, obligations and liabilities of the parents or guardians of a 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 exercisable by and enforceable against the adopter as if the child were a child born to the adopter inside marriage and in respect of the matters of the aforesaid the child shall stand to the adopter as a child inside marriage". The trend is towards irrevocability and parental authority may be terminated only according to the procedures for biological parents (Loon, 1988).

In Kenya, child adoption is sometimes confused with "fostering". Cap 141 of the Laws of Kenya defines foster care as temporal placement of a child with a fit person. The fostered child does not have any rights of inheritance from the foster parents and it is therefore an insecure union.

The Law on legal adoption in Kenya is imported English Law. For many years Kenya was under the British colonial rule. The institutions of the colonized were always considered as inferior to those of the colonizer. The "inferior" institution of the African customary Laws had to be replaced by the "superior" ones and thus the English Law found its way to Kenya. (Midega, 1980). The aim of Adoption Law was to make adoption legal as people came to realize risks involved in traditional adoption such as withdrawal of the child by relatives after some time (Midega, 1980).

For the past 70 years, there has been a law of adoption in Kenya namely: The Adoption Ordinances, 1933, which was replaced by the Adoption Act (Cap143) and has now been replaced by the Children Act, 2001 which came to operation in March 2002. The Children Act 2001 attempts to domesticate the UN Convention on the Rights of the Child, which Kenya ratified in 1990. It sets out an elaborate procedure for adoption in the spirit of the best interests of the child. Although adoption legislation has been in regular use since its inception, it is only in the recent years that African children have been subjects of adoption orders at any considerable level. As indicated earlier, customary fostering or adoption cared for homeless children and there was neither need for legal adoption.

Almost all children who are eventually adopted were born or lived under very difficult circumstances. Many of them have been traumatized through rejection, abandonment, neglect, long stay in foster orphanages and other forms of abuse. A child does not choose to be born but finds itself in the world. It therefore deserves to be loved and protected when birth parents cannot be able to take up their responsibilities due to social and economic difficulties. It is absolutely necessary that alternative care like adoption be offered. Adamec and Pierce (1991) state that some children make miraculous recoveries and adjustment after adoption and that a chance for competent adulthood is what adoption is all about.

A public opinion conducted among social welfare workers and others familiar with the problem of homeless children in Kenya were unanimous in their insistence that adoption is one of the most valuable remedies for homeless children (Commission Report on the Law of Adoption in Kenya 1974). According to Tod (1996), a family provides emotional, social and

financial support and also instills values in its members. A true home with adoptive parents can give a child a real sense of belonging, preferred to the comparatively impersonal institutional homes.

Midega (1980) argues that there is need for an institution to help prevent abandonment and infanticide when mothers decide that they do not want to take care of their children when they are rendered incapable of doing so. She argues that this unfavorable situation exists because adoption has not yet been popularized among the members of public. Donnelly and Voydanoff (1991) state that children of adolescent mothers experience a number of difficulties associated with adolescent child bearing which would be ameliorated if a child were released for adoption. In deed in Kenya today, child adoption has taken care of children born of incestuous relationships (taboo children) who would otherwise be abandoned in some communities.

Child adoption, on the other hand, gives hope and a source of satisfaction to childless couples who cannot have their own children. Although cases of child theft and disappearance are minimal and I have not come across any research done to establish their causes, child adoption would take care of such eventualities if couples and individuals who want to adopt children are made aware of a legal system of acquiring one.

Lindsey (1994) states that in America, abuse is one of the major causes of children being in need of adoption. There are many child abuse and neglect cases in United States than all the industrialized nations combined (Lindsey, 1994: 3). In Kenya, children continue to go through

different forms of abuse, some by their very own parents or close relatives. In fact, cases of child abuse are a common feature in our print and electronic media today. The maltreatment of children may lead to death, health damage, educational failure, development of criminal tendencies; and having been abused become abusers (ANPPCAN, 1998). Child adoption could offer a solution to children living in excessive abuse and hence salvage their future.

Sec.4 (2) of the Children Act, 2001 states, "In all actions concerning children, whether undertaken by the public or private social welfare institutions, court of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration." It is in line with this spirit of the best interest of the child that this research attempted to critically look at some aspects of child adoption as an intervention strategy for CEDCs.

## **1.2 Problem statement**

It is common knowledge that the number of CEDCs has continued to escalate in Kenya. Although there is no reliable data on CEDCs, the increasing cases of child abandonment, abuse and neglect are of great concern. Records at Children's Department at the time of this study in 2004 revealed that majority of cases reported are those of child neglect.

The problem of street children has become a permanent feature of our urban and peri-urban areas and efforts to remove them from the streets have not been very successful. Apart from lacking all the basic necessities, street children go through various forms of abuses while in the streets. The number of orphans is increasing daily as their parents continue to die mostly due

to HIV/AIDS in fact, the situation is glaring. It was estimated that by the year 2005, the number of orphans will increase to 1.5 million (Ministry of Health, 2001). The HIV scourge has left many children under the care of their aged grandparents who can hardly meet their basic needs. Others are fendng for themselves and therefore engaged in child labor.

Beside all these predicaments, many more children are denied their right to life through procurement of illegal abortions. The rates of abortion due to unwanted pregnancies are on increase. The Daily Nation of 27<sup>th</sup> May 2004 reported of a case where 15 aborted fetuses were dumped in Nairobi River. If adoption is popularized women with pregnancy crises may consider adoption as an option.

Several Non-Governmental Organizations, Religious Groups and few individuals try to meet the needs of CEDCs through operating children's homes. These homes are few and congested. Child abuse has also been cited as one of the major problems facing institutional care (GOK/UNICEF, 1999). Furthermore, although Kenyan Law Provides for protection of CEDCs, chiefly through placing them in the institutions, there is limited policy guidelines that address reasons why children become trapped in especially difficult circumstances. For example, problems of urbanization and poverty have received little attention (GOK/UNICEF, 1992). This is an indicator that the number of CEDCs will continue to escalate unless the causal factors are addressed.

It has been established that the capacity of the existing intervention strategies are far much below the existing number of CEDCs in the country (GOK/UNICEF, 1992). Although child adoption has been identified as a better alternative, it is evident that many children who could

benefit from adoption services continue to suffer in deplorable situations that threaten their growth and survival. Most are holed up in dysfunctional families, orphanages, foster care system and many more are in the streets. Adamec and Pierce (1991) state that adoption is extraordinary beneficial to American society and would for other nations and wish that the estimated 10 million children growing up on the streets of cities all round the world had this option readily available in their own societies.

Although given emphasis, limited research has been conducted on child adoption in Kenya and the topic has just been an area of discussions in seminars/workshops. However, a lot of literature exists and considerable studies have been carried out on other areas of CEDCs like child labor, street children, and HIV/AIDS. For instance, in 2005, Mugo, Musembi and Kangethe conducted a study on *Juvenile Justice and Management of Child Offenders in Kenya*. Without research, specifically focused on adoption, it would be difficult for policy makers to come up with policies and legislation that will guide this practice and hence fulfill its ultimate goal of providing protection to the child. It is against this background that this study was designed as an attempt to answer the following questions:

1. What is the relevance of the socio-economic factors that are considered on prospective adoptive parent/s before they are placed with an adoptive child?
2. To what extent has child adoption been socially accepted in the Kenyan society?
3. To what extent has child adoption been utilized as a response to the problem of CEDCs in Kenya?
4. What are the impediments to effective child adoption in Kenya?

### **1.3 Study objectives**

The broad objective of this study is to understand child adoption and its implications on Children in Especially Difficult Circumstances (CEDCs) in Kenya. Its specific objectives are:

1. To examine the relevance of the socio-economic factors that are considered on prospective adoptive parent/s before they are placed with an adoptive child.
2. To establish the extent to which child adoption is socially accepted in the Kenyan society.
3. To establish the extent to which child adoption has been utilized as a response to the CEDCs in Kenya.
4. To identify the specific gaps that exist in the child adoption practice in Kenya with a view of seeking appropriate remedies for such gaps.

### **1.4 Justification for the study**

The enormity of the problem of CEDCs is an issue of national concern. Indeed there seems to be a discrepancy between the increasing number of CEDCs and interventions mooted by Government and other Partners. This situation calls for a study that will examine in details, child adoption as an intervention and thus justifying the scope of this study.

There is scanty research that has been conducted on child adoption in Kenya although extensive researches have been conducted on other aspects of CEDCs. Since child adoption is an intervention that provides a long-term solution to CEDCs, it is important that it may be given emphasis in terms of research. This study has therefore attempted to fill the long-

standing gap in the area of research on child adoption. It has contributed to sociological studies on child welfare and rehabilitation practices in Kenya.

It has been argued that there are many people who are able and willing to adopt children but lack the necessary information. A seminar report by Child Welfare Society (1996) revealed that some Non-Governmental Organizations were giving wrong information on adoption. This research has endeavored to generate accurate information that can reliably be used by the Government and interested stakeholders. The government can further use this information to formulate or improve the existing policy on child adoption. Child adoption has lifelong implications for all involved and especially the child. For it to meet its ultimate goal of ensuring the protection and realization of the rights of the child, proper policies and legislations should be put in place. This study has therefore attempted to identify and highlight gaps that exist in child adoption practice that if addressed would strengthen the adoption service as an intervention for CEDCs and make it to be in line with the philosophy of the best interest of the child.

### **1.5 Scope of the study**

Child adoption is a wide topic. There are various factors that are considered before placing a child with prospective adoptive parents. However, this study limited itself to the major socio-economic factors, which are prioritized before adoption applicant/s are considered for an adoptive child. Most of these factors are specified in the Children Act, 2001.

There are different types of adoptions; related and non-related adoptions. In related adoption a relative, a stepfather, a grandparent, an uncle and generally a relative adopts the



child for one reason or another. In non-related adoption a child is adopted by persons with whom they have no family ties. The study focused on non-related adoptions among Kenyans.

This research sought to establish the extent to which Kenyans have responded to child adoption. Looking at the growing numbers of CEDCs and the rate of child adoption in Kenya the study endeavored to find out, if there are correspondences between the growing number of CEDC and the rate of adoption. The research also sought to establish the existing gaps in the child adoption practice. It focused on the factors that impede effective child adoption in Kenya.

### **1.6 Definition of key terms**

This section gives working definition of the key terms used in the study.

#### **Children in especially difficult circumstances**

This term will only refer to children who due to different problems are out of family care and cannot be restored back to their biological families. Their need for intervention will be reflected in their lack of parental care such as lack of shelter, education, and food among others.

## **Child**

A child is legally defined as anyone below the age of 18 years and in this study the meaning shall remain the same in terms of age. It will also refer to a child who is physically and mentally sound.

## **Child adoption**

It shall refer to a situation where a child is separated completely from the natural parents and becomes the child of adopting parents for all legal purposes, including inheritance. The adoptive parents acquire all rights, duties, obligations and liabilities of a parent over the child, permanently as if the child were a child born to them.

## **Adoptive child**

This refers to a person under 18 years who is separated completely from natural parents and legally acquires other parent/s and rights similar to those of a biological child.

## **Adoptive parents**

This refers to spouses/person who has legally and permanently acquired all rights, duties, obligations and liabilities of a parent over a child who is not biologically born to them.

## **Socio economics status of adoptive parents**

This will refer to factors that make prospective adoptive parents qualify to adopt a child reflected in age, marital status, income, and health status among others.

### **Social acceptance of child adoption in the Kenyan society**

This refers to the understanding that the public has toward child adoption. This will be reflected in the views expressed to the personnel dealing with adoption by the adoptive parents, information shared among the personnel in the process of their working interaction and views gathered in their interactions with the general public.

### **Specific gaps in child adoption practice**

This will refer to shortcomings in the process of legally placing a child with adoptive parents.

This will be reflected in low number of children adopted among others

## **CHAPTER TWO**

### **LITERATURE REVIEW**

#### **2.1 Introduction**

Literature review in this study has been done under the following broad themes:

- History and trends in child adoption
- Situation of child adoption worldwide
- Factors that contribute to children being in especially difficult circumstances
- The role of the family and government in child protection
- Intervention strategies for CEDCs commonly used in Kenya and other countries
- Factors that influence the placing of a child with adoptive parent/s
- Challenges in child adoption practice

#### **2.2 The history and trends of child adoption**

Child adoption is an ancient practice. It was common among the ancient Greeks, Romans and Assyrians. Throughout history, societies have formally sanctioned the adoption of children or closely similar arrangements, for more than 4000 years since the Babylonian code of Hammurabi in 2285BC or probably before recorded history (Adamec and Pierce, 1991). The bible Speaks of pharaoh's daughter who adopted Moses in Exodus 2 and Mordecai adopted Esther in the book of Esther 2:7.

Generally, although adoption existed in many societies, it became popular only after the First World War, when many children were left orphans. Several countries disseminated their first adoption laws, or revised the existing Laws. In America, Massachusetts was the first state to

enact an adoption Law in 1851 and by 1929 every State had passed some kind of adoption legislation (Kadushin, 1967). In France, on the other hand, it took until 1939 before full adoption was introduced to specifically integrate the small abandoned and orphaned children into adoptive family. Other European countries followed, and Uruguay in 1945 was the first Latin American state to introduce adoption into Law (Loon, 1988). The Second World War aggravated the situation of parentless children and this reinforced the need for adoption but it still took sometime before this new idea acquired large acceptance (Kadushin, 1967).

Child adoption is a constantly evolving institution. Throughout history, adoption has served a variety of goals. In ancient Rome the principal object of adoption was to provide a son and an heir to a childless man as a means by which the family line was saved from extinction, (Loon, 1988). Susan Porter, (as cited in Cahn, 2002) analyses early adoptions in United States, mostly before the mid 19<sup>th</sup> Century, by examining the practices of orphanages that attempted to place them. She states that many families who accepted children from the Aid Society in this period explicitly indicated their interest in labor. Inheritance and heredity were not important issues that shaped the practice of adoption; a shortage of human labor was more significant (Cahn, 2002). The adopting parents were seen as doing a favor to the child by taking it into their home (Dicanio, 1989). By 1950, adoption was commonly viewed as the ideal solution for childless heterosexual couples seeking to approximate, emotionally and legally as well as physically, the family they could produce themselves. It conveniently offered birth mothers and their babies' second chance for normal lives, without the shame of being unwed and legitimate (Herman, 2002). Child adoption was an exchange governed by unstable combination of profitability, benevolence and upward mobility (Herman, 2002). In

England, it served to provide homes for poor children, but it also served as a front for disposing of unwanted children, (Cahn, 2002).

By 1960, a new perspective on adoption emerged which saw adoption as a form of childcare. All industrialized countries started revising the adoption laws so as to make them more child-oriented, a development which is continuing (Loon, 1988). In fact there has been general concern over the well being of the children worldwide which has been advanced in various ways like the development of international and regional instruments that safeguard the rights of children such as the UN Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child.

### **2.3 Situation of child adoption worldwide**

In the preface of the book by Adamec and Pierce (1991: V), Adamec argues, "Adoption is about loving a child who has been affected by what others have handed him or her, often, in the form of sexual and physical abuse." Child adoption has been an alternative care for children whose families lack the support to maintain them. Elizabeth Bartholet, (as cited in Cahn 2002), advocates that children be removed and placed for adoption more quickly because potential or actual harm to them, not protection of their parents, should be at the core of an abuse and neglect system. She argues that it is important to move the children into other homes where they will receive the nurturing they need rather than leaving them with their biological parents. On the other hand it has been argued that more intensive resources should be directed at keeping children in their families. Better public support for children and community-based guided interventions are being advocated for (Cahn, 2002). Although adoption practices may

vary around the world in one way or another universal concern for child welfare is evident and adoption especially for orphaned children is widespread.

The United States and the rest of the world continue to suffer social problems that directly impact on the field of adoption that is, teenage pregnancy, foster care system, infertility, and child abuse among. Through the adoption of the UN Convention on the Rights of the Child, the United Nation community has recognized children as independent persons with their own integrity as human beings. In the preface of the book by Adamec and Pierce (1991: VI), Adamec states, "one fact we can be sure of is that hundreds of thousands of "waiting Children" need adoptive families now. They don't know rules and regulations or why they have to stay in foster homes. They only know they want a family to love and care about them."

In United States, there are about 2 million adopted children under the age of 18 years (Macmua, 1996:66). Each year, approximately 150, 000 children are adopted, two- thirds of them by their relatives. In Canada about 15,000 children are adopted every year (Macmua, 1996). There are many children adopted from outside US from lesser-developed countries. These countries have found it difficult to deal with large numbers of orphaned, abandoned and abused children (Adamec and Pierce, 1991).

Current data at Nairobi High court reveals that in Kenya an average of 120 children are put under adoption through the court each year. Records at Child Welfare Society at the time of this study (2004) revealed that a similar number are placed with prospective adoptive parents each year, this being but one of the organizations that place children with adoptive parents.

However, there is little documentation on child adoption even by the very organizations that are facilitating the process. Nevertheless, the social situations that call for adoption services continue to plague the children of this country (UNICEF, 1992).

#### **2.4 Factors that cause children to be in difficult circumstances**

The direct causes that generate CEDCs emanate from the failure of families and communities in their primary responsibilities of ensuring child survival, protection and development. Closely related to this is lack of adequate support from authorities to strengthen families and communities to play this role effectively (GOK/UNICEF, 1998).

War and political upheavals have been tearing many countries apart and children, have been most hit. It is estimated that during the last decade, 2 million children have been killed, 4-5 million disabled, 12 million left homeless and more than 1 million children have been orphaned or separated from their parents by war worldwide (UNICEF, 1996). In 2000, Dr. Alipui, the then UNICEF representative in Kenya, made a contribution in the National Report for the Special Session of the UN General Assembly (2000) stating that nearly 200,000 children have suffered physical or psychological trauma as a result of conflicts, tribal clashes, banditry or cattle rustling in Kenya.

Poverty has been the major factor associated with CEDCs worldwide. Today, United States the wealthiest country in the world has more children living in poverty than any other industrialized nation (Lindsey, 1994). In Kenya like the rest of the world, poverty results chiefly from lack of an opportunity to earn a living. Poverty deprives families of basic needs such as food, health, shelter, water and education. Poverty is degrading and may lead adults,



when they despair and loose hope to abandon their children (GOK/UNICEF, 1999). Poverty has also been associated with other social problems that endanger the well being of children like single –parenthood, prostitution and HIV/AIDS.

Urbanization has been cited as another factor that causes CEDCs. Families arriving in the city with dreams of prosperity are often disillusioned. Frustrations and tension lead to gradual family disintegration, child neglect and abandonment (GOK/UNICEF, 1999). Also contributing to the large number of orphaned children is HIV/AIDS. Some of these children are absorbed by the rural extended families while others find themselves in institutions, streets, child labor and other deplorable situations. Social and communal ethics as well as traditional social structure such as the extended families are disintegrating. Therefore, lack of societal support mechanisms have left many children vulnerable and in need of protection (GOK/UNICEF, 1999).

Due to the factors enumerated above and many other not listed, Children's rights, welfare and personal development are constantly violated both in developing countries and industrialized world.

### **2.5 The role of the family and government in child protection**

Historically, the family has been the primary basic institution of the community. It provides conducive and natural environment for growth, support, affection, mutual concern and well being of its members especially the children, (Munguti and Kamara, 1999). The world is changing rapidly than in the past and the family institution has been the most hit. Most of these changes are economic and therefore, present a major constraint in parental responsibility.

This has further resulted in constant changes in social organization to which the family belongs; there are changes in child rearing practices, in parental attitudes and changes in communal shared values. Today, Society assigns primary responsibility for the care and nurturing of children to the family and collective responsibility has been restricted to reclaiming children from situations where the family has been unable to meet its obligations (Kadushin in Lindsey, 1994).

With reference to the role of the government, Article 5 of the UN Convention on the Rights of the Child states that, "states parties shall respect the responsibilities, rights and duties of parents or where applicable, the members of the extended family or community as provided for by local customs, legal guardians or other persons legally responsible for the child, to provide in a manner consistent with the evolving capacity of the child appropriate direction and guidance in the exercise by the child of the rights recognized in the present convention." Article 20 of the same convention gives obligation to the state to provide protection for a child deprived of the family environment and to ensure that appropriate alternative family care or institutional placement is available. There is also the Children Act, 2001, which while giving primary responsibility of the child to the parents, specifies situations in which the state should intervene. Sec.119 stipulates the circumstances that make children to be in need of care and protection. For instance, Section119 (a) describes a child who has no parent or guardian, or has been abandoned by his parent or guardian, or is destitute and (e) a child whose parent or guardjan does not, or is unable or unfit to exercise proper care and guardianship as a child in need of protection and care. Under such circumstances, the government can intervene.

## **2.6 Intervention strategies for CEDCs commonly used in Kenya and other Countries**

As indicated in the study, the government and other stakeholders have come up with interventions strategies aimed at responding to the ever-increasing number of CEDCs. The most common interventions include children institutions, foster care, and family empowerment.

### **2.6.1 Institutions**

There are two types of institutions, Charitable and Statutory Institutions. Charitable Institutions are established under the Children Acts, 2001 Sec. 58. They cater for children who have fallen out of the family care due to difficult circumstances and may include, abandoned, orphaned and neglected children. Statutory Institutions include Rehabilitation Schools established under the Children Act, 2001, Sec 50 which mainly caters for children who are in conflict with the Law. It has been argued that institutional care fall under the ultimate goal, which is to integrate disadvantaged children into their community and provide them with permanent home (GOK/UNICEF, 1999). Most of the Charitable Institutions depend on charity and therefore, children's basic needs are not always guaranteed.

In 1999, the Children's Department approximated that there were three hundred privately run homes in Kenya taking care of approximately 35,000 children countrywide. There are also 11 Government Rehabilitation Schools dealing with around 7000 children, (GOK/UNICEF1999: 32). Most of the children in Charitable Institutions cannot be reintegrated back to their biological families and are likely to spend a great part of their lives in the institutions if they are not given out for adoption. It has been argued that institutions cannot be a complete family

and that children who grow up in the institutions are less prepared for adult responsibilities (Forum for Actors in Street Children Work, 2001).

### **2.6.2 Foster care**

This is the temporary placement of a child who is in especially difficult circumstances with families capable of meeting its needs. In Kenya, it is stipulated in the Children Act, 2001 Sec147 (1). The main requirement of foster care is that the foster family must provide healthy, nourishing and positive environment for development of the child. Applicants for foster child must have a normal, stable and functional family (Lihua, 2001).

Stein, Gambril and Wiltse (1978) state that the primary objective of foster care services is to restore a child to its biological parents or wider family. In some countries like the United States, the family is paid by the state for the care of these children and, may sometimes be taking on this responsibility for their own financial gain (Ames, 1970). Records at Children's Department at the time of this study revealed that majority of children under foster care are with prospective adoptive parents.

### **2.6.3 Family empowerment**

This entails building the capacity of the family to be able to care for its own children by addressing situation that risk the well being of the child within the family. Cahn (2002) states that there are many kinds of interventions that can be used before a child is removed from his/her family that may be effective in preventing his/her removal. These include, parenting classes, home visiting, helping parents find housing and jobs, coordinating public welfare

services, and domestic violence interventions within the child welfare system, among other measures.

In Kenya some programs to address poverty at the family level by both the government and Non-governmental organizations have been put in place. Several organizations like the World Vision empower poor families to come up with income generating activities to promote their economic status. The Department of Children Services in collaboration with development partners has been implementing a cash transfer program since 2004 to poor households taking care of orphans and vulnerable children in order to encourage fostering and retention of orphans within the family/communities. Before a decision is made on out-of-home care, everything possible should be done to ensure that the child remains with his /her birth parents.

## **2.7 Factors that influence the placement of a child with adoptive parents**

There is now a wide agreement among experts in the field that in order for adoption to be successful in the long term, specific requirements must be met (Loon, 1988). Though these requirements may differ from country to country, there are some that are considered definite.

According to Kadushin (1967), the maximum age of prospective adoptive parents lies between 34 to 45 years. The Children Act, 2001 stipulates that applicants must have attained the age of 25 years and be at least 21 years older than the infant. Kadushin (1967) argues that this increases the probability that the adoptive parents will be alive during the adopted child's years of dependency. He further states that a great age spread between the adoptive parents and the child increases the possibility of intergenerational difficulties in understanding and states that old parents might be too removed to empathize with the child. Further more, older people are

discouraged from adopting newborns to preserve a “normal” familial age. Such strategies reinforce the primacy of the biological family (Cahn, 2002).

Physical health of the adoptive parents gives assurance that the applicants have the capacity to care for the child and also prevents possibilities of infection of the child (Kadushin, 1967).

The Social inquiry reports prepared by the adoptive social agencies seek to establish the medical status of the adoptive parents especially in regard to terminal illness. In Kenya, the medical report of the prospective adoptive parents seeks to establish their fertility status.

In terms of marital status, Midega (1980) argues that married couples are more preferred for they provide a normal family situation. She further argues that the marriage should have been in existence for a considerable period to prove its stability. The Children (Adoption) Regulations, 2005, seek for information on the marital status of the prospective adopters, the type and form of marriage that is, whether it is polygamous or monogamous.

In most states in the United States and many other countries, adoptions do not become legal until a child has lived in the home of their adoptive parents for 6-12 months (Kadushin, 1967). The Children Act, 2001 also gives this provision where a child is expected to have been in the care and possession of the applicants for at least three consecutive months preceding application for an adoption order.

In establishing the suitability of the adopters, the social agencies play the most crucial role. In Kenya no court application can be granted before a social inquiry or in other words home study report is granted to the court.

### **2.8 Challenges in child adoption practice**

Adamec and Pierce (1991) state that adoption, for all its benefits, is far from perfect, even in the United States. They indicate that there are many areas where more work needs to be done and many aspects of the practice that need drastic changes. Raynor (1980) further states that researchers have found that adoption is complex, that there are few easy answers to the many questions it precipitate.

The presence of biological parents has continued to be an obstacle to adoption in a number of countries (Lindsey, 1994). All systems require the consent of the parents of the child to be adopted, sometimes even consent of other members of the extended family. The Children Act, 2001 Sec.158 (4) (f) states that the consent of the child should also be sought if the child has attained the age of 14 years. A child can be adopted without parental consent only if it has been abandoned or following failed attempts to rehabilitate the natural parents. A decision to terminate means risk taking, and the social workers feel the weight of making long-range predictions. Fear of making a wrong decision often results in a failure to take any action and hence many children remain under public care until adulthood denying them a chance of growing up in loving and caring homes (Lindsay, 1994).

Financial issues have been cited as barrier to adoption and subsidies to adoptive parents have been suggested in the child welfare literature (Stein et al. 1994). In Kenya, the main expenses

of adoption lie in the preliminary work of arranging them, preparation of home study reports and care for babies pending their delivery into the care of prospective adopters. On the part of adoptive parents, the legal fee involved is seen as expensive making adoption unaffordable to some people. The financial implications involved give adoption practice a commercial character, which portrays the adoption law as an instrument that legalizes sale of children (Child Welfare Society of Kenya, 1996).

Adoption has been described as often tedious, time consuming and can be emotionally draining. In Kenya the process of child adoption from the time the application by prospective adoptive parents is made to the time the exercise is completed is usually very slow encouraging prospective parents to try to beat the system by taking shortcuts (Child Welfare Society of Kenya, 1996).

In developing countries, the extended families network which in the past took care of homeless children has not been fully compensated for by effective welfare system either through the government or private institutions. This means that the services considered essential for adoption to be successful, such as family counseling, and pre and post adoption services, are largely lacking or are not well developed (Loon, 1988).

A seminar report by Child Welfare Society of Kenya (1996) indicates that most of the organizations working with children in difficult circumstances in Kenya do not seem to coordinate in their activities or share information as much or as they ought to. This can be



detrimental to the practice of adoption because it is carried out by different agencies, that is, the court, social agencies and the Children's Department.

A child's age is also said to be deterrent to adoption. According to Kadushin (1967), a child of five years is old by adoption standards. The Commission of Inquiry on Laws of Adoption in Kenya (1974) observed that only young children are normally acceptable to prospective adopters. However, many children in need of adoption services are brought to the attention of welfare organizations at an older age and hence are denied the opportunity of growing in loving families.

It has been further argued that the length of time a child has been in public agency care affects the probability of adoption as well as restoration back to the family (Stein et al, 1994). It has, therefore, been stressed that adoption be considered in the early stages of a child placement career. If opportunities and advantages of early adoption of children not wanted by their families were widely known and understood then more children would benefit from adoption services.

Although it remains the case that only the court makes an adoption order, the court cannot itself carry out adequate social investigation. It is important that this investigation be conducted by skilled experts whose assessment will be made available to court. A seminar report by Child Welfare Society of Kenya (1996) indicated that some non-governmental organizations in Kenya were giving wrong information on adoption. Further, some

communities in Kenya have a negative perception of adoption which stigmatizes the practice and scares away many prospective adopters (Child welfare Society of Kenya, 1996).

In Kenya, adoption remains a confidential procedure, Sec. 154 (2) of the Children Act, 2001, states that "All proceedings under this sec shall be heard and determined in chambers and the identity of the child shall be kept confidential". This can lead to adoption dissolution when a child comes to discover that he/she was adopted later in life. Dicanio (1998) states that today adoptive parents are encouraged to talk to the children about their adoption status. Margaret Kornitzer (1968) carried out a study among adoptive parents and concluded that adoption was surrounded by self-deception and even mental and emotional dishonesty. She believed that relationship within the adoptive family would be better if there was less secrecy and evasion, and that time had come to consider how adopted people could be given the right to learn essential knowledge about their origin.

Child adoption having been identified as an intervention strategy for CEDCs needs to be strengthened. This study will therefore attempt to identify the existing gaps in the system and seek recommendations on how they can be addressed.

## **2.9 Theoretical framework**

This study is guided by three interrelated theories. Social structure and anomie in the context of this study brings out the major factors that predispose children to be in difficult circumstances in the society. The second theory looks at the society as a social system which must respond to the needs of its parts in order to function as a whole. Child adoption in this study is reflected as a subsystem of the society that takes care of the CEDCs in order to ensure

stability in the society. The study finally is guided by formal rationality theory that looks at child adoption as a rationalized structure calculated to meet an ultimate goal that in this study is the best interest of the child.

### **2.9.1 Social structure and anomic theory**

According to Robert Merton, anomie occurs in societies in which there is exceptionally strong emphasis upon specific goals without a corresponding emphasis upon institutional procedures of attaining these goals (Ritzer, 1988:255). This results in conflict between cultural goals and access to the cultural goals through legitimate means (Adler, Muller and Laufer, 1995). In this situation, the society expects the family to be stable and be able to care for its children. However, it does not provide equal opportunities to its members to carry out these responsibilities. Unemployment and unequal distribution of resources are some of the factors that have brought about poverty that is viewed as a major underlying cause of children living in difficult circumstances. It is particularly low class societies in the world that have higher rates of deviance than the general population. Most children who are in need of adoption services are from lower social economic groups, where opportunities to acquire materials are fewer, the level of education is lower and they have considerably less opportunities to fulfill their aspirations by means that the society defines as legitimate.

In Kenya, the cost of bringing up a child is high and only a few can adequately meet the needs of their children. A teenage girl or a single mother would choose to abandon her child or relinquish it for adoption because the society does not expect her to get a child out of wedlock. When a society loses social control over its members, the child becomes most

vulnerable. Social structure and anomie theory shifts the blame of deviance in child upbringing to the social structure and not individuals.

### **2.9.2 Social systems theory**

The study can be looked at from the Structural functionalism perspective. According to this theory a social system is made up of parts, which contributes to the function of the whole. The whole is greater than the sum of its part. According to Talcott Parsons (as cited in Ritzer, 1988) there are four imperatives that are necessary for all the systems. That is adaptation, goal attainment, integration, latency, or pattern maintenance.

In this study, the family can be seen simultaneously as a whole and a subsystem or a part of the society. If the family is functional, the children have a chance of growing up to responsible adulthood and hence have a stable and healthy society. If dysfunctional, its members are stressed and the children will be at risk. This can result in disorder in the whole society. In order to survive, a system must have shared and articulated set of goals. In this case, the best interest of the child is the shared goal between the systems and its parts. The society requires control over disruptive forms of behavior. According to functionalists; when society runs best there is no need for external actors (Ritzer, 1988). In this situation, the society has given primary responsibility of childcare to the parents. However, when external control proves necessary various social control agents are brought to curb the situation. In this instance, the government and other institutionalized agencies come in to intervene. Child adoption comes in as another subsystem of the society that caters for the well being of the child when the family becomes dysfunctional.

The most important attribute of a social system is the social norms that hold it together. Norms consist of all the agreements, formal or informal, explicit or implicit, which regulate and give order to the system. There are legislation and policies that provide protection to the child in the society as well as within the adoption institution.

### **2.9.3 Formal rationality theory**

This can also be looked at from Max Weber's view of formal rationality as identified from his work by Stephen Kalberg (as cited in Ritzer, 1988). He states that one of the characteristics of formal rationality is that it involves means end calculation. This calculation occurs within the universally applied rules, laws and regulations. Formally rational structures and institutions focus on efficiency, on finding the best means to a given end. Child adoption is a well thought system that is formulated to serve the disadvantaged child. There are international instruments, rules, and legislations that guide the practice in order to achieve its ultimate goal, which is the "best interest of the child.

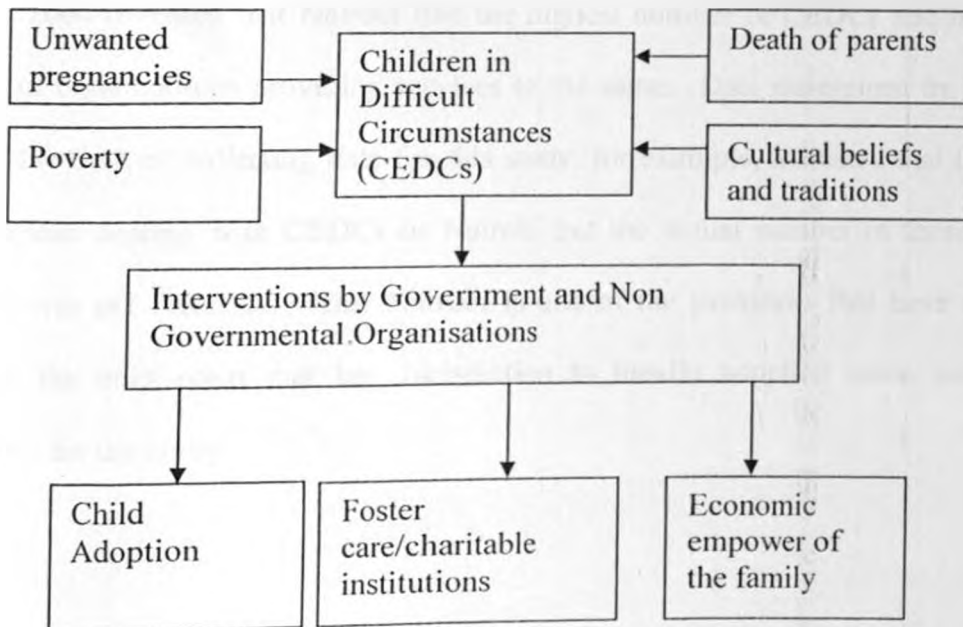
In formal rationality there is great concern with ensuring predictability, or that things operate in the same way from one time or place to another. The system seeks to gain control over an array of uncertainties, especially the uncertainties posed by human beings who work in, or are served, by them. All the factors considered in child adoption system are to ensure that the child is rightfully placed and avoid placement that may be detrimental to its growth and development. Formal rationality system also standardizes the adoption practice to ensure that children in need of the adoption are given similar professional services. This is in line with Article 2 of the Convention on the Rights of the Child, which states, "that all rights apply to all

children without exception. It is the states' obligation to protect children from any form of discrimination and to take positive action to promote their rights.

## 2.10 Conceptual framework of the study

The figure below explains the major variables that form the basis of this study. It mentions some of the major factors that cause children to be in especially difficult circumstances in the society. These include, poverty, death of parents that leads to orphanhood, unwanted pregnancies, which can result to abortion, child abandonment or neglect and cultural beliefs like incestuous relationship which can bring forth children who are rejected by the society. CEDCs belong to the society and as such, the government and other stakeholders have come up with some interventions. It has further brought out interventions strategies that are being used as a response to the problem of CEDC which include child adoption.

### 2.10.1 Conceptual model



## **CHAPTER THREE**

### **RESEARCH METHODOLOGY**

This is an exploratory study that aimed at generating detailed information on the topic of study. The study adopted a qualitative methodology but with little aspects of quantitative design. A key aspect of qualitative research that endeared it to this study is that it can be used to obtain intricate details about phenomena that are difficult to learn through more conventional quantitative research methods. The aspects covered in this chapter include; site description, unit of analysis and observation, sampling design, data collection methods, data analysis and problems/challenges encountered while undertaking the study.

#### **3.1 Site description**

This research was conducted in Nairobi and its peri-urban areas, which are not administratively within Nairobi. This is because many organizations dealing with CEDCs are in Nairobi and a few in its suburbs. Records at the Children's Department at the time of the study in 2004 revealed that Nairobi had the highest number of CEDCs and hence, the high number of organizations providing services to the same. Data maintained by the Child Life Trust at the time of collecting data for this study, for example, indicated that there were 381 organizations dealing with CEDCs in Nairobi but the actual number of those dealing with adoption was not reflected. Also Nairobi is one of the provinces that have a High Court, which is the only court that has Jurisdiction to handle adoption cases making it more convenient for the study.

It is important to note that many children in need of adoption service are normally under the custody of the state and cared for by the charitable institutions. Child adoption is a process that involves coordination between the government and Non-governmental organizations/institutions. It should also be noted that Child adoption is guided by the Children Act, 2001 and the Children (Adoption) Regulations, 2005 which these institutions implement in their roles in adoption. The personnel facilitating child adoption in these institutions, whether government or non-governmental, must therefore be familiar with both the legal and social aspects of adoption.

Some of the major organizations/Institutions that were visited included: Children's Department in the Ministry of Home Affairs, Child Welfare Society of Kenya, New life Home, Thomas Barnados Children's Home, Rehema Pefa Home, Dagoretti Children's Home a, Dada Nest children's Home among others.

### **3.2 Units of analysis and observation**

The unit of analysis in this study was child adoption and its implications on Children in Difficult Circumstances in Kenya. On the other hand, its specific units of observation included; Children's Officers from the Ministry of Home Affairs (Children's Department), Social Workers and Managers of non- governmental institutions dealing with child adoption.

### **3.3 Sampling design**

According to Singleton, Straits, and Straits (1988) "sampling design refers to that part of the research plan that indicates how cases are to be selected for observation". The study being highly qualitative made use of non-probability sampling. Non-probability sampling refers to



processes of case selection other than random selection. In many instances, this form of sampling is either more appropriate or practical than probability sampling or the only viable means of case selection (Singleton et al, 1988: 152). The study specifically used **purposive sampling**. According to Mugenda & Mugenda (1999:50), purposive sampling is a sampling technique that allows a researcher to use cases that have the required information with respect to the objectives of his/her studies. In such exploratory studies, the key themes of investigation dictate who qualifies to be a respondent and more often than not the researcher uses his/her expertise to select respondents contrary to the rule of random sampling that apply mainly to population studies or surveys.

In this study, the researcher purposively identified and interviewed children's officers, and social workers and a few managers of institutions dealing with child adoption. During the time of collecting this data in 2004, Children's Department had 99 children's officers countrywide with 33 of them working in Nairobi. Some were based at the Departmental Headquarters, the Provincial Children's Office, Divisional offices and others in Rehabilitation schools. Out of the 33, the researcher managed to interview 28 of them. The other 21 respondents were drawn from other Non-governmental institutions dealing with adoption. The researcher observed that these institutions had different numbers of social workers, which could have been mainly due to the number of cases they handle.

The study targeted 50 respondents but the researcher managed to interview 49. It is important to note that the study population is small due to the fact that child adoption is a regulated

service provided by a few institutions. The respondents as discussed later in a section of chapter 4 play a very crucial role in child adoption.

### **3.4 Data collection methods**

The study utilized both primary and secondary data. The primary data was collected directly from key informants deemed knowledgeable on the subject of child adoption. The informants were drawn from Government and Non -governmental organizations dealing with child adoption. The researcher also utilised data maintained by the High court and other agencies dealing with child adoption. On the other hand, secondary data were- used to supplement primary data. Various books, research reports, journals, website materials were reviewed to inform the study.

Given that the researcher was interested in generating detailed information that would guide in explaining the key themes in the unit of analysis; the study made use of techniques that could yield in-depth information. Thus, one to one discussions/or informants' interviews were used as key sources of primary data. An interview guide with mostly open-ended questions was used and the questions were asked in a reasonable and consistent manner. However, the questionnaire had a few closed ended questions that elicited specific answers from the respondents. To enrich the flow of information, questions were further enhanced with follow-up probes, which were asked uniformly and at specified points so that all respondents had essentially the same "stimulus" presented for response. In-depth interviews rely on probes to encourage the respondent to think more deeply about an issue or to expand or explain preliminary response (Chadwick, Bahr, and Albrecht, 1984). This method engaged the researcher more actively with the subjects than in survey research.

### **3.5 Data analysis**

Due to the qualitative nature of this study, the bulk of the data generated were descriptive statements. Therefore, the massive raw data were first organized and interpreted. This was meant to facilitate the coding processes that involved conceptualizing, reducing data and elaborating categories in terms of responses given by different respondents. Interpretations and conclusions that highlight the major themes of the study were then drawn.

The data was subjected to descriptive and interpretive analysis. While descriptive analysis aimed at bringing out the major issues captured in data, interpretive analysis aimed at attaching sociological meaning to the major issues described in data and linking them to the study objectives. Further, frequency tables and percentages were used to distribute respondents according to their various factors and responses. Specific quotes derived from the data collected were used to build on the analysis.

### **3.6 Problems/challenges encountered during the study**

The data collection method involved one to one discussion with the respondents. This required the researcher to make an appointment with each respondent prior to the interview. The researcher had either to call or visit the respondents to make an appointment. This consumed a lot of time and it was also costly. The appointments were given at the respondents' convenience causing further delay in the collection of data. The aspect of moving from one institution to another to conduct the interviews was also tiring.

The study being highly qualitative mostly utilized open-ended questions. Responding to these kind of questions was time consuming. Further, the researcher had to be keen to ensure that

the respondents did not lose interest in responding to the questions. The questions elicited responses in narrative form which was a bit difficult to categorize and analyze. The researcher was keen to ensure that important data was not lost in the process of coding. The study also adopted non-random sampling and therefore the findings of this study can only be generalized to the study sample neither can it be replicated to get the same findings.

## CHAPTER FOUR

### DATA PRESENTATION AND ANALYSIS

#### 4.1 Introduction

This chapter presents and descriptively analyses data collected from personnel that facilitate the placement of adoptive children with adoptive parents and are deemed familiar with all aspects of child adoption. Majority of the respondents were Children's Officers who are the main stakeholders in all matters pertaining to children living in difficult circumstances. Other interviewees included social workers and a few managers of institutions that provide care to children in need of adoption services and facilitate the placement of adoptive children with adoptive parents. These interviewees were selected as described in chapter three. In facilitating child adoption placement, these personnel come into contact with different parties. This may include the biological parent/s who may wish to surrender their child for adoption, the police (if the prospective adoptive child was abandoned), the prospective adoptive parents, the lawyers who file for the adoption order and the judges who preside over the adoption applications. Besides, these personnel, due to the nature of their work may extend their contacts with the general public. It is from this wide spectrum of interactions, expertise and experience of the respondents that this study drew its findings by seeking their qualitative views on different aspects of child adoption based on the study objectives.

The overall objective of this study was to establish from the respondents the relevance of the major socio-economic requirements that qualify prospective adoptive parent/s for placement with an adoptive child. These requirements form the basis of the social inquiry or home study report prepared by these personnel and generated through interviews, home visits and other

relevant sources. The report is finally presented to the judges presiding over the adoption applications to assist them in the determination of the matter. The requirements are provided for in the adoption law, the adoption regulations, and the adoption agencies' criteria. The prospective adopter/s are evaluated against these requirements to determine their suitability to adopt a child. This is in view of the emphasis that child adoption should be an intervention strategy that should guarantee the best interest of the child. Secondly, the study sought the respondents' views on whether child adoption is socially accepted among Kenyans. This is seen in regard to the influence of culture on adoption practice, the general public's views on adoption as perceived by the respondents, and their views on the reasons that motivate Kenyans to adopt children. A third objective was to establish from the respondents whether child adoption has been adequately utilized as an intervention strategy for CEDC in Kenya. Finally, the study sought to establish from the respondents the constraints that impede effective child adoption process in the country and their recommendations on how these constraints can be addressed.

## **4.2 Demographic characteristics of the respondents**

This section presents and analyses the main characteristics of the study sample, which include; gender, age, marital status, level of education, occupation, employer, parenting status of the respondent and their familiarity with the topic of study.

### **4.2.1 Gender, age and marital status**

Table 1 shows that majority of the respondents (63%) were women. The social workers in the institutions visited and most of the children's officers interviewed were women. The disparity in gender could be explained in terms of gender roles in the society where women are seen as

child caregivers. Women are culturally more inclined to issues of young children and are likely to have more interest than men in child-related careers.

**Table 1: Respondents' distribution by gender, age and marital status**

<b>GENDER</b>	<b>FREQUENCY</b>	<b>PERCENT</b>
Male	18	37
Female	31	63
<b>Total</b>	<b>49</b>	<b>100</b>
<b>AGE</b>		
Below 30	9	18
31-40	19	41
41-50	15	31
Above 50	5	10
<b>Total</b>	<b>49</b>	<b>100</b>
<b>MARITAL STATUS</b>		
Married	36	74
Single	8	16
Widowed	5	10
<b>Total</b>	<b>49</b>	<b>100</b>

In terms of age, majority of the respondents were in their prime age and therefore expected to be professionally active. Table 1 show that most of the respondents (72%) were between the age of 31 and 50 years. At these ages, in normal circumstances, many people are through with their education and with valuable experiences in their careers.

Table I further reveals that majority of the respondents (74%) were married. A few (10%) had lost their spouses through death while a few others (16%) were single.

#### **4.2.2 Respondents' level of education**

Child adoption is a very crucial service that has lifelong implications on the adopted child and the adoptive parents. The process of adoption is technical in nature and requires that the personnel facilitating it be able to interpret both the legal and social aspects involved. The level of education of these personnel is therefore an important factor to consider especially upon their recruitment. Majority of respondents (84%) were highly educated with university level of education. Only a few (16%) had tertiary level of education. This is in line with Article 21 of the UN Convention on the Rights of the Child, which stipulates, "States Parties which recognize and/permit the system of adoption shall ensure that the adoption of a child should be authorized only by competent authorities". The modern society upholds academic achievement and is one of the major factors considered in ensuring organizational competence.

In Kenya, The Children (Adoption) Regulations, 2005, 10 (2), state that "adoption society should ensure a competent administrative team comprising of qualified Social Workers with at least a bachelor in social work, social sciences or diploma in social work from a recognized institution of learning." The respondents interviewed had attained these requirements implying that organizations dealing with child adoption had maintained the standards stipulated by the existing legislation in terms of these personnel. Child adoption is a human service profession that requires adequate educational background in relevant disciplines in order to maintain high standards in the practice.

#### **4.2.3 Occupation and employer**

Child adoption is a process facilitated by governmental and non-governmental institutions. The non-governmental institutions include the adoption societies and the institutions that care



for children in need of adoption service. Based on table 2, majority (55%) of the respondents were government employees and these were all Children's Officers. Nairobi is the headquarters of Children's Department and there are many children officers working there in different capacities. The Department also has officers at the provincial and divisional levels as well as in rehabilitation schools. Rehabilitation schools are established under the Children Act, 2001, and their role is to rehabilitate child offenders. However, due to increasing numbers of CEDCs many children without criminal tendencies have found themselves in these institutions mainly due to lack of vacancies in other institutions relevant to their needs. Orphans and neglected children have found themselves in rehabilitation schools to enable them access basic needs.

**Table 2: Respondents' distribution by employer and occupation**

<b>EMPLOYER</b>	<b>FREQUENCY</b>	<b>PERCENT</b>
Government	28	57
Non-Governmental Institutions	21	43
<b>Total</b>	<b>49</b>	<b>100</b>
<b>Occupation</b>		
Children's Officer	27	55
Social Workers	16	33
Managers of charitable institutions	6	12
<b>Total</b>	<b>49</b>	<b>100</b>

Table 2 further shows that 33% of the respondents were social workers and 12% managers of charitable institutions dealing with CEDCs. The researcher observed that some institutions had only one social worker. This was attributed to the low number of children in these institutions who are free for adoption.

Child adoption has long-term implications and many social workers are in a dilemma of whether to place a child for adoption or not. Though the Law is clear on the circumstances that should make a child fit for adoption, many social workers fear to place them with adoptive parents due to several factors. One of the key reasons is that the consent of the biological parents/relatives is very crucial. In most cases, the backgrounds of the abandoned children are unknown and the social workers fear that their unknown parents /relatives could at any time appear and claim them back. On the other hand, a considerable number of children in institutions have known parents /relatives who are unwilling to release them for adoption but are only interested to have them assisted. This reveals that the number of children targeted for adoption by some of the institutions could be small and hence less demand for many social workers. Financial constraint is also likely to be one of the major factors that determine the shortage of personnel that facilitate child placement in some of these institutions. Most of them are charitable institutions and depend on donor funding which is not always forthcoming.

#### **4.2.4 Parenting status of the respondents**

Majority of the respondents (86%) had their own biological children and therefore had parental responsibilities. As such, they were, in a better position to give their views on the topic based on their professional experiences as well as personal experiences as parents. Asked whether they had adopted children, it emerged that none of the respondents had adopted a child despite the fact that the law does not bar them.

**Table 3: Respondents' distribution by reasons for not adopting children**

<b>REASON</b>	<b>FREQUENCY</b>	<b>PERCENT</b>
Have own children	28	57
Resource constraints	9	19
Taking care of relatives' children/Institutions	5	10
No consent from spouse	1	2
Never thought of it	6	12
<b>Total</b>	<b>49</b>	<b>100</b>

Based on table 3, majority of the respondents (57%) had not adopted children because they had their own biological children. A respondent argued,

*"...why adopt and I have my own biological children".*

This reveals that majority of Kenyans, including the educated, associate child adoption with childlessness. It further shows that persons with biological children may not understand the need of adopting a child. A report by Child Welfare Society of Kenya (1997) revealed that parents with their own children rarely go for adoption but some consider fostering children to grow up with their own, but again these are not many.

In view of educational level, professional experience and sensitization levels of the respondents, there are some expectations that, unlike other Kenyans, they are in a better position to understand the plight of CEDCs and individually intervene by adopting. This would serve as role model to the general public and practically enhance advocacy of child adoption as an intervention strategy.

A few of the respondents (19%) indicated lack of adequate resources as the reason for not having adopted a child. One respondent remarked,

*"... I'm struggling to take care of my own children, why go for more"*

This sounds a more credible reason since it would be unfair and unwise to adopt a child and fail to meet its basic needs. A few others (10%) indicated that they were taking care of many children within the extended families or in the institutions. They further indicated that they did not want to give special attention to one child by adopting her/him and leave the rest.

Consent between spouses is very crucial and it can be concluded that most of the personnel had never sought the consent of their spouses on the possibility of adopting a child since only 2% identified it as a major reason for not adopting. A respondent remarked,

*"...my spouse refused that we adopt a child"*

A considerable number (12%) had never thought of adopting a child, as captured by a respondent who noted that,

*"I'm single and I have never thought of it"*

The researcher observed that these were mostly respondents who were not yet married and therefore could not make independent decision on the matter. In the preface of their book, Adamec and Pierce (1991: X) note that;

*"...adoption, despite all media coverage, still remains relatively vague notion to many people in our society. Even for generally well-educated persons, people concerned about*

*ways of coping with unintended pregnancy for themselves or their friends, the option of adoption may not even come to mind."*

This implies that many people find it hard to commit themselves to adopting a child or even give out their child for adoption if they find they are unable to bring up the child. All the reasons enumerated here reveal that adopting a child is a very hard decision to make even to those who know the benefits it has to the child. This could be due to the implications it has on the adoptive parents.

#### **4.2.5 Familiarity with topic of child adoption**

To facilitate child adoption, it is important that the persons involved be well acquainted with all the aspects of adoption. Majority of the respondents (96%) in this study indicated that they were familiar with the provisions of the adoption law and every other aspect of adoption practice. A few (4%) indicated that they were fairly familiar. However, the researcher observed that even those who indicated that they were fairly familiar did not have any problem in responding to questions asked. As indicated earlier, the respondents play a very crucial role in child adoption. Adoption application is the preserve of the High Court, the advocates who make the application to the court for the adoption order, the children's officers who investigate the suitability of the prospective adoptive parents and present a social inquiry report to the presiding judge, adoption societies who assess the adoptive parent/s and investigate the background of the child to be adopted in order to declare whether the child is free for adoption or not. There are also social workers of charitable institutions that care for CEDCs and place them with adoptive parent/s.

Children's officers are also very crucial in the formulation of the legislation and regulations governing child adoption. They are the key implementers of the Children Act, 2001 which provides for the protection and care of CEDCs. The social workers and managers of institutions caring for CEDCs in need of adoption services are also key stakeholders in the formulation of the legislation and rules governing child adoption because they are also involved in the process.

In most cases prospective adopter/s visit charitable institutions caring for CEDCs institution and apply to be considered for an adoptive child. The social workers interview them and if they qualify, they start the process of adoption. This includes, counseling the prospective adopter/s to prepare them for adoption, making home visits to ensure that they have a conducive home environment for the child.

The Children Act, 2001 requires that a child be with the adoptive parent/s three months prior to the determination of the adoption application. This is a probation period meant to assess whether prospective adopter/s are capable of taking care of the child or not. During this period the social workers are supposed to monitor the wellbeing of the adopted child. The social workers prepare a social inquiry report and refer the prospective adopter/s to a lawyer to make an adoption application. The lawyer uses the social inquiry provided by the social workers to apply for an adoption application order.

A Commission on the Laws of adoption in Kenya,(1974) noted that the main expertise of adoption lies in the preliminary work of arranging them, the discussions and investigations

involved and care for babies pending their delivery into the care of prospective adopters. The respondents are therefore the major actors in informing the adoption process. The demographic characteristics of the respondents reveal that they were sufficiently learned and qualified to facilitate child adoption process and therefore a reliable source of data for this study.

### **4.3 Relevance of Socio-economic factors considered on adoptive applicants**

As indicated earlier in the study, an adoptive child cannot be placed with adoptive parent/s until they fulfill some requirements. A social inquiry is conducted to establish whether they qualify to adopt a child or not. This section present and analyses the key socio-economic factors considered on the adoptive parents that form the basis of a social inquiry report.

#### **4.3.1 Age of prospective adopter/s**

The Children Act, 2001, provides that adoptive applicant/s should have attained the age of 25 and at least twenty one years older than the child but below the age of 65 years. There was 100% agreement among the respondents that the age bracket was to ensure that the adoptive applicants were mature enough to be able to undertake parental responsibilities. Child upbringing is a demanding responsibility and one should be emotionally, psychologically, socially and economically stable. In most cases, most people are through with their education by the age of 25 years. Many are already in employment and ready to start families.

There was further agreement that the age bracket gave the parents adequate span of life to stay with the child until self-reliance. Younger persons, below 21 years, were said to be too young to make independent decisions while those over 65 were said to be too old and not likely to understand the emotional needs of the child particularly development challenges. This may

bring about generational conflict between them and adoption can easily break if the child and the elderly parents lack support that would enhance their compatibility.

The respondents further argued that the age of the adoptive child and the parents should concur with that of biological families because a conspicuous age difference between them might stigmatize both parties. This means that the aspect of age of the prospective adopters is very crucial in ensuring the wellbeing of the child in an adoptive institution.

#### **4.3.2 Marital status of adoptive parents**

Marital status of the adoptive applicant/s is an important consideration in adoptive child placement. The Children (Adoption) Regulations, 2005, indicate that in case of joint application, the applicants must be married for at least four years preceding the application. This provides some guarantee on the stability of the marriage, which is crucial in ensuring the wellbeing of an adopted child. In terms of preferred marital status, table 4 shows that majority of the respondents (69%) indicated that a married couple was the most suitable to adopt a child. They argued that this is an ideal family situation that gave the child the benefits of having both parents. A respondent remarked,

*“...we prefer married because the child will have a father and mother figure”*

Those who shared this view argued that a child brought up by one parent may become inquisitive in future and demand to know the whereabouts of the missing parent. This is an important issue to consider because in Kenya, most adoptive parents do not reveal to their adopted child about their adoption status. Many children grow up thinking that they were biologically born in their families only to learn it later from a third party. This situation can be



very devastating and can lead to adoption disruption. The respondents further argued that a child adopted by a single parent has higher risks of vulnerability incase the parent dies. Such a child, they indicated could be rejected by the other family members in the absence of the adoptive parent/s which can be a great source of psychological trauma. In addition, they indicated that the child is also likely to suffer rejection from the other spouse incase the adoptive parent gets married. Suppes & Cressy (2000:138) reported that usually, married couples have the best chance to adopt but single adults also may be considered.

**Table 4: Respondents' distribution by preferred marital status for adoptive parents**

<b>PREFERRED MARITAL STATUS</b>	<b>FREQUENCY</b>	<b>PERCENT</b>
Married	34	69
Single parents	1	2
Both	14	29
<b>TOTAL</b>	<b>49</b>	<b>100</b>

Based on table 4, a considerable number, (29%) felt that both married and single marital statuses were equally appropriate since both types of families existed and were acceptable in the society. They further argued that marital status of the adopter/s did not matter so long as they were capable of taking care of a child. Only 2% stated preference for single parents and indicated that their decision to adopt is not influenced by a spouse and therefore likely to make a better parent. However, in terms of single parents there was general assumption that it referred to single females.

The Children Act, 2001 Sec 158(2) indicates that a sole male/female cannot be placed with a child of opposite sex unless under special circumstances. All respondents indicated that this

was to avoid possibilities of the child being sexually abused by the adoptive parents. A respondent commented,

*"...it is a safeguard to prevent future marital relationship between the child and the adoptive parent since there is no blood ties between them"*

They felt that though the adoptive mother could abuse a child sexually, risks of sexual abuse were higher with a single adoptive male parent. Others indicated that females should be given a chance to adopt male children since they have always taken care of their biological sons. Men, it was further argued are culturally not child nurturers and are likely to entrust an adopted child with a third party like close female relatives or house help which may not augur well for the child. These observations reveal that majority of personnel dealing with child adoption would prefer to place an adoptive child with a married couple.

#### **4.3.3 Nature of adoptive Family**

An adoption order is not normally made in favor of polygamous families. In placement of an adoptive child, many social workers are hesitant to place a child with polygamous families. A major concern among respondents was that an adopted child is likely not to receive much attention and acceptance from the other family members apart from the interested party. In this case, there was general assumption among the respondents that a child can only be adopted in a polygamous family where one of the female spouses fails to get a biological child. The respondents argued that the child would particularly receive less attention from the father who will focus on his biological children. They stated that polygamous families are prone to wrangles and, therefore, not conducive for an adopted child. The presence of an adopted child is likely to intensify the wrangles and the child is likely to suffer and even

be disinherited by the biological children, especially in the absence of interested party. A respondent remarked,

*"It is not in the best interest of the child since the child will be prone to abuse by step parents and their children."*

This implies that a polygamous family may not be a very conducive environment for an adopted child. Besides, the issues of family resources may jeopardize the welfare of an adopted child who is likely to be seen as an intruder. It was argued that polygamous families' resources could be strained since they are shared among many people. An adopted child could therefore be an added burden.

These observations reveal that majority of the respondents would prefer to place an adoptive child within monogamous marriage where consent to adopt between two spouses ensures the acceptability and the security of the child.

#### **4.3.4 Health status of the adoptive applicants**

Determining the physical and mental health status of prospective adoptive parents is very crucial before placement is considered. The Children (Adoption) Regulations, (2005), provide for detailed medical particulars of prospective adopter/s which should be ascertained by a medical practitioner. They further seek to establish the status of the prospective adopter/s on certain diseases like HIV/AIDS, tuberculosis, and cardiovascular, among others. The respondents indicated that some assurance of good health ensured that the prospective adopter/s were strong enough to care for the children. They further indicated that poor health may shorten the lifespan of the adoptive parents which is traumatic and detrimental to the welfare of the adopted child. The respondents argued that the sick parent/s may likely divert

resources and attention to address their poor health and fail to meet the needs of the child. They further indicated that the child is likely to be infected if the adoptive parents suffer from communicable diseases.

#### **4.3.5 Fertility status of adoptive applicants**

The fertility status of the applicant/s is a prerequisite that most adoption societies consider and applicants may be required to provide medical proof of infertility where infertility becomes a reason for adoption. Majority of the respondents (98%) indicated that the relevance of establishing the fertility status of the applicant/s was to identify their motivation for adoption. They explained that knowing the fertility status helps in counseling and preparing the potential applicants. For instance, if an applicant is capable of getting biological children, fears of what would happen if biological children are born are explored and they are advised accordingly in order to make an informed decision. If they are considering adoption because of infertility, the social worker is able to talk to them on what adoptive parenting involves. Issues like sharing with the child about his/her adoptive status at an appropriate age are discussed. Adamec and Pierce (1991: 162) state that "in case of infertility, the agency social worker seeks to determine if the couple has successfully resolved most of their conflicts and anxieties about their infertility and their readiness to fully accept an adopted child."

There are many intricate issues that a social worker needs to address. Many childless couples are looked down upon by the society and they should be helped to be able to deal with the societal views and attitudes. Cases were cited by respondents where adoptive parents changed residence immediately after adoption to enable them hide the adoption status of the child and prevent the child from being told of its adoption status by neighbors. Only 2% felt that

establishing fertility status of an adoptive applicant was not relevant so long as the prospective adopter/s were capable and willing to take care of a child.

#### **4.3.6 Level of income of adoptive parents**

One of the major factors considered on adoptive parents is their level of income. The social agency investigating the adoptive applicants seeks to establish their monthly income. There was 100% agreement among the respondents that the purpose of establishing the income of the adoptive applicants was to ensure that they are capable of meeting the basic needs of the child. Basic needs were identified as food, clothing shelter health and education. Most of the children given out for adoption are those abandoned by their biological parents. In most cases the root cause of child abandonment is poverty and it is therefore important to ensure that the child is not brought up in poverty.

#### **4.3.7 Importance of referees**

In child adoption, it is a requirement that the prospective adopter/s give the adoptive agencies referees who know them well. All the respondents indicated that the purpose of referees was to provide more detailed and confidential information about adoptive applicants that ensured their capability to adopt. A referee is able to avail information that the social worker cannot get from prospective adoptive parents like their moral status in the society. However, such personal information can only come out if the referees are honest and ready to be held responsible over the information they give. A social worker will hesitate to place a child with for instance, applicants who are drunkards, known to have criminal record and generally irresponsible. It is important for social workers to first counsel the referees and indicate the implications of their information to the whole process to ensure that they do not get

compromised. A social worker can also verify information given by the potential adopters through the referee. Adamec and Pierce (1991:25) state that, "most agencies require at least three written reference of applicants' good character hence presumably most adoptive parents have good character."

The respondents further indicated that the purpose of the referees was to give collective responsibility on the care of the child. They stated that the referees can step in or be consulted incase anything happens to the child or the adoptive parents.

#### **4.3.8 Other significant factors identified by the respondents**

The researcher further asked the respondents whether there were other major factors that were considered on the prospective adopters before placement with a child. Whereas 64% felt that all major factors had been dealt with; a few of the respondents (22%) indicated that establishing the religious background of the adoptive applicants was important. The Children (Adoption) Regulations, 2005, provide that the child should be placed with parents of similar faith of the birth parents. For instance, if a child's birth parents are known to be Christians, he/she should not be placed with Hindu or Muslim parents. They argued that religion provided a good foundation for the moral and spiritual growth of a child. The respondents also indicated that this ensures that the applicants' faith is acceptable and not detrimental to the well being of the child. For instance, there are religions that do not advocate for medical treatment or encourage negative cultural practices like female circumcision. A respondent remarked,

*"It is important to know the religion of the prospective adopter/ss to ensure that they do not belong to a cult."*

The respondents argued that a child should not be placed with parents who are likely to violate his/her rights on the basis of their religion.

Only 14% of the total sample identified the consent of the extended family as a major factor. They stated that it is important to establish whether the applicant/s had sought the consent of the extended family members especially their parents and siblings. This is because an adopted child should also belong to the wider family and this guarantees the child's protection even in the absence of the adoptive parents. A study by Richard P. Barth and Marianne Berry (1988) found out that families which had adoption disruption had less contact with extended families and those that succeeded had maintained contact with extended families, indicating the strong importance of the support of grandparents, siblings of adoptive parents, friends and relatives. This therefore means that seeking the views and consent of extended family prior to adoption is very crucial for the total welfare of an adopted child.

#### **4.4 The effect of culture on child adoption**

There was 100% agreement among the respondents that cultural background does affect one's view on child adoption. Some of the cultural factors that were identified by the respondents as the main hindrances of the acceptability of child adoption in some communities included: availability of cultural methods of dealing with the problem of childlessness such as polygamy, divorce and woman-to-woman marriages. They indicated that most communities prefer barren couples to take care of their relatives' children instead of adopting. They stated that in some communities bareness is seen as a curse and many barren couples fear to adopt to avoid stigmatization. It is important to note that with these kinds of sentiments, the adopted child is likely to face isolation from the community. The respondents further indicated that

the extended family systems catered for the orphaned, abandoned and other disadvantaged children such that they did not suffer in the absence of their biological parents.

Some communities do not accept adoption because of its legal implications where the adopted child gets the status of biological children like inheritance. In some communities an adopted child is seen as a stranger with no right of inheritance of the family property since there is no blood relation. This concurs with Adamec and Pierce (1991:49) who 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 of the respondents recalled a case where a couple managed to adopt a child only after the death of the husband's mother who had given warning that no stranger should be brought into her family.

Tribal prejudice was identified as a major hindrance. A respondent remarked,

*"People want to adopt children from their own tribe which is not morally acceptable."*

Since the backgrounds of most adopted children are rarely known, some people would fear to adopt in case the child comes from a tribe that they despise. Other people fear that the child could be from a background that would bring misfortunes to their families like hereditary diseases and criminal tendencies. Religious convictions were also identified as a hindrance. For instance, Muslim religion does not allow legal adoption. Some faiths also encourage couples to keep on waiting and believing God that they will get their own children until they are above the adoption age.



#### 4.5 Public perception of child adoption

The respondents' role in child adoption would allow them to know how members of the public view and understand child adoption. Table 5 shows that most Kenyans have different but negative views about adoption.

A considerable number (40%) indicated that many Kenyans associate child adoption with childlessness. A respondent remarked,

*"Most Kenyans believe that adoption is for those who are barren"*

**Table 5: Respondents' distribution by their views on general public perception on adoption**

<b>VIEWS</b>	<b>FREQUENCY</b>	<b>PERCENT</b>
Only for those without children	20	40
Buying a child	16	33
Foreign concept	13	27
<b>Total</b>	<b>49</b>	<b>100</b>

A further 33% felt that some Kenyans see it as buying a child. They indicated that whenever a childless couple adopts a child the community believes that the child must have bought. It is definite that this kind of attitude is intimidating to the adoptive parents and the child. It would take intensive sensitization of the community to change this kind of attitude. Of the respondents 27 % indicated that Kenyans see child adoption as a foreign concept, which is very expensive. Adamec and Pierce (1991:47) indicate that societal attitudes about adoption affect how adopted persons, adoptive parents and birthparents feel about adoption. The

adoptive parents, particularly the infertile adoptive parents, may perceive adoptive parenthood as second-rate and vastly inferior to biological parenthood.

All these views suggest that Kenyans are skeptical about adoption and they do not look at it in terms of the benefits it gives to the child. Their negative views about adoption can be detrimental in popularizing it as an intervention method.

#### **4.6 Reasons for adopting children among Kenyans**

The respondents were asked whether Kenyans adopted children due to personal reasons or for the purpose of the wellbeing of the child. Majority (92%) indicated that Kenyans mostly adopt children for personal interests. A respondent remarked,

*"....Kenyans cannot adopt children unless pushed by personal factors"*

A few (8%) indicated that they adopt both for personal reasons and for the purpose of the wellbeing of the child. A respondent remarked,

*"There are a few Kenyans who adopt children with good intentions of helping them."*

All the respondents identified childlessness as the major reason that makes most Kenyans to adopt. Many Kenyans who adopt cannot have biological children mainly due to bareness and adopt in order to have an heir to perpetuate the family name. A report by Child Welfare Society of Kenya (1997) revealed that 80% of all aspirant adoptive parents processed by the organization were due to involuntary childlessness. Adamec and Pierce (1991:27) state, "many childless people report they wish to adopt a child because they love children and feel something is missing in their lives without a child". This suggests that apart from getting an

heir many childless couples are compelled by the desire to raise up children like other members of the society.

Out of the total sample 22% mentioned that some Kenyans adopt children because of loneliness especially after their own children have grown up and the individual or couple still has resources to bring up more children. Another 24% of the total sample indicated that adoption is also popular among people with children of one sex and wishing to have both sexes. This was said to be mainly common with parent/s with only daughters and wanted a son. Only 8% of the total sample reported of a new emerging trend where single ladies who do not want to go through the hassles of relationships and childbirth were opting for adoption. However, it was stressed that only a few Kenyans adopted children with an original interest of the well being of the child.

This means that majority of Kenyans who adopt children are forced by uncontrollable circumstances and they adopt for personal conveniences. It further reveals that according to the respondents, majority of Kenyans who have adopted children could not have done so if they had not been confronted by the above reasons. This is a serious scenario that reveals that most adoptions in Kenya are done in the best interest of the adoptive parents and not the child. This is not in line with the spirit of the UN Convention on the Rights of the Child that the interests of the child should be paramount in every action/decision taken concerning a child.

#### 4.7 Advantage of child adoption

The respondents indicated that child adoption has several advantages for the adopted child especially those that cannot be reintegrated back to their biological families or society. A respondent remarked,

*"Adoption gives a child a dignified way of growing."*

The respondents argued that it offered a child a permanent family giving him/her all the rights of a biological child. Ideally, it was argued that every child has a right to a family. Family environment ensured the child of love, identity and emotional support. The need of all young children for a family, and for a sense of security and permanency in their relationships, is recognized in most parts of the world and is celebrated in the UN convention on the Rights of the child preamble which asserts that the family is "...the fundamental group of society and natural environment for growth and well-being of all its members and particularly children" and that "the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding." (UNICEF, 2002:294).

There was 100% agreement among the respondents that child adoption was a good intervention for CEDCs if well implemented. One respondent remarked,

*"It is a honorable and workable strategy that ought to be used much more than now."*

Child adoption as highlighted later in this document is a process curbed with short comings not only in Kenya but also in other countries. The Committee on the Right of the Child (UNICEF 2002: 297) was concerned at gaps in the state Party domestic legislation on adoption and that existing adoption procedures are usually not respected and are subject to arbitrary decisions.

If adoption process is not carried out well especially in terms of proper assessment of the adoptive parents, the child may end up in the wrong hands resulting to untold suffering.

#### **4.8 Utilization of child adoption as an intervention strategy for CEDCs in Kenya**

Asked whether child adoption had been adequately utilized as an intervention measure, majority of the respondents (86%) indicated that it had not. Most respondents argued that many children who require adoption services are still in institutions, on the streets, in child labor, and in dysfunctional families. Besides, cases of abortion are still high in the country. A respondent remarked,

*"...Children in difficult circumstances are being institutionalized much more than adopted"*

A few of the respondents (14%) indicated that it has been fairly utilized since there are Kenyans who are adopting children. Records at the Nairobi High Court reveal that 353 cases were handled between 2000 and 2002 with an average of 118 cases per year. This is far much below the number of children in need of this service. It can, therefore, be concluded that child adoption has not been adequately utilized as a method of intervention for CEDCs in Kenya.

#### **4.9 Level of awareness among Kenyans on child adoption**

A good level of awareness among Kenyans about adoption would definitely be reflected in positive views about adoption and the number of Kenyans seeking to adopt children. Although this study did not seek to compare the level of awareness among the rural and urban Kenyans, a fair awareness will be achieved if a cross section of the Kenyan population is sensitized on child adoption. As evident from table 6, Majority of the respondents (80%) indicated that the level of awareness among Kenyans on child adoption was generally poor.

This was reflected by the low number of children adopted per year with an average of 118 as earlier indicated. Records at the Nairobi High Court reveal that between 1933 to 1974, 889 children were adopted with 469 adopted by Europeans, 280 by Asians and 114 by Africans. This reveals that although legal adoption is an old practice in Kenya it has not yet become popular.

**Table 6: Respondents views on the level of awareness among Kenyans on child adoption**

<b>AWARENESS LEVEL</b>	<b>FREQUENCY</b>	<b>PERCENT</b>
Good	-	-
Fair	4	8
Poor	39	80
Very poor	6	12
<b>Total</b>	<b>49</b>	<b>100</b>

The low awareness level was attributed by most (86%) of the respondents to failure by the relevant child-related organizations to carry out public campaigns to sensitize the public. To this end a respondent remarked:

*"There is little sensitization being done".*

The Children's Department was particularly blamed for this scenario. Whereas, 10% indicated that child adoption was a sensitive topic and prone to abuse and that is why public campaigns were not being conducted, another 4% of the respondents stated that generally Kenyans were not receptive on the issues of adoption since they hold their own misconceived ideas on what adoption entails. Based on the study results, It can also be concluded that, although the respondents are very key in the adoption process and they understand all its benefit to the

CEDCs, they have not taken responsibility to ensure that Kenyans are sensitized about adoption.

All the respondents (100%) indicated that if intensive awareness is conducted many children would benefit from the adoption services. They indicated that there are many Kenyans who would be willing to adopt children but lacked proper information on the process. A respondent noted,

*“there are people with resources but do not know about adoption, I am sure if sensitized they would consider adopting children.”*

Those interviewed further indicated that there are many Kenyans who are suffering childlessness in silence and are not aware about adoption. According to them Kenyans always respond very well to the plight of children especially the cases highlighted through the media and felt that if the plight of CEDCs in need of adoption was highlighted and the option of adoption properly presented to Kenyans, many will come forward to adopt.

Respondents further argued that if Kenyans are educated about adoption some of the evils committed against the child, like child trafficking, child theft and abortions would drastically reduce. Such would be controlled if the victims would know that there is a legal system of getting a child and even of giving out a child for adoption if unable to bring up.

The study findings reveal that the respondents had common views in most issues raised in the study. The respondents play almost similar roles and child adoption is a standardized and guided process, this therefore, could have contributed to similarities in the respondents' views.

#### 4.10 Major constraints facing child adoption practice in Kenya

Child adoption is a process that is regulated by legislation and regulations to ensure that it serves the best interest of the child. However, its effectiveness can be guaranteed if the existing laws are implemented by the relevant stakeholders. This study identified from the respondents the major gaps that exist in child adoption practice in Kenya which are as follows;

- As discussed in the earlier section, lack of awareness was identified as a major constraint facing child adoption practice. It was reported that most Kenyans do not know what child adoption entails. As a result, most of them have negative perceptions about it and in some communities those who adopt and the adopted children are looked down upon.
- Majority of the respondents (96%) reported that child adoption was not well monitored in Kenya. They indicated that organizations dealing with child adoption placements were not being supervised and that each acted independently. The Children's Department was particularly blamed for not effectively monitoring both local and international adoptions as mandated in the Children Act, 2001. As a result, the practice is full of malpractices and many children could have ended up in the wrong hands and undergoing untold sufferings. Only 4% of the respondents felt that the practice was being monitored well.

It was further indicated that even some agencies that placed children with adoptive parents did not adequately monitor the welfare of the child in the adoptive families



prior to the determination of the adoption order. The Children Act 2001, sec 157 stipulates that an adoptive child has to be in continuous care and control of the applicant/s for a period of three consecutive months preceding the filing of the application and both the child and the applicant may be evaluated and assessed by a registered adoption society in Kenya. This requires that the social worker makes regular visits to the home but respondents indicated that regular visits are not normally possible due to lack of resources. Child adoption is considered as absolute and no follow-ups are done after adoption order is granted. This leaves the child under the mercy of the adopter/s and this increases the chances of the child being abused.

- High legal fee was identified as another major constraint facing adoption practice. Lawyers have commercialized the practice by charging highly uncontrollable fee. This can discourage many potential applicant/s and can encourage ills against the like child trafficking, baby theft and selling while many other children remain in foster care status because their prospective adoptive parents cannot afford legal fee. Most lawyers are not sensitized on what it entails to make an adoption successful and only deal with the legal aspect of it. They may in the process hurt and fail to address the emotional needs of the prospective adopter/s and the adoptive child. Further more, the high fee may make the adoptive parent/s feel as if they bought the child and this may have long term and negative effects on their relationship with the adopted child. In fact, it destroys the whole concept of child adoption as an intervention strategy and makes it a reserve for the rich.

It is important to note that there are many families who can offer a home and love for children but cannot afford to pay the high legal fee hence denying many needy children a home. This is against Article 32 of the Hague Convention which states that only costs and expenses, including reasonable professional fees of persons involved in adoption, may be charged or paid. Besides, the role of the lawyers in the process is minimal since they solely depend on the report of the social workers when making an application for the adoption order. Their high charges are therefore, not justified.

- Lack of both financial and human resources were also cited as major impediments. Adoption was said to be an expensive exercise. The maintenance of the child prior to adoption, carrying out home visits and other follow ups are expensive activities and many of the organizations involved lacked resources to efficiently meet all these needs. It was indicated that lack of resources like transport forced some social workers to conduct less home visits than required. Shortage of professional personnel to conduct adoptions especially those with social work background was identified as key constraint and attributed to lack of funds to employ enough personnel.
- Respondents stated that child adoption process was cumbersome and long process which discouraged many potential adopters. It takes long between the time an application for an adoptive child is made to an adoption agency and when the child is legally given to the adoptive parents. One respondent described the process as "*long, tedious and demotivating.*"

- The monopoly by Child Welfare Society of Kenya as the only registered adoption society was identified as a problem. It is important to note that at the time the researcher was collecting data in 2004 only Child Welfare Society of Kenya was registered as an adoption society. Since then, two more have been registered; these are, Little Angels Network and Kenya Christian Homes. It was indicated that the organization did not have enough funds, personnel and capacity to handle all cases of adoption in the country. Respondents indicated that the organization was taking advantage of being the only registered organization by charging adoptive parents exorbitant fee. In normal circumstances, a registered adoption society has to declare a child free for adoption before the adoption order is determined. The respondents argued that Child Welfare Society of Kenya, being the only registered adoption society, was overcharging for this service.
- Culture was identified as an inhibition toward effective adoption in Kenya. Many cultures did not recognize adopted children. As a result many people wishing to adopt feared ridicule and stigmatization from the society.
- The respondents indicated that the adoption law had gaps that scared away potential adoptive parent/s. For instance, Sec158 (2) (a,b) bars sole male/female applicants from adopting children of opposite sex. This was seen as prohibitive and denied the baby boy a chance to be adopted by capable and competent single mothers. The requirement that a child stays with adoptive parents for three months prior to determination of adoption order denied many children a chance to be adopted internationally.

Respondents indicated that very few people would be patient to stay in the country for three months to meet this requirement.

- Poverty among Kenyans was also identified as a constraint. Majority of Kenyans live below the poverty line and as much as they would be willing to adopt, they cannot afford to accommodate an extra child. Child rearing is very expensive in Kenya and there are many couples who limit the number of their children to ensure that they only get those that they can be able to bring up. It would, therefore, be hard for such a family to accommodate another child unless given support.
- Adoption cases are only handled by the High Court. This creates a backlog and delay in adoption cases. Besides the adoption matters, the presiding judges also handle other cases. It was also noted that some adoptive applicant/s have to cover long distances to access the high courts, which are normally located at the provincial headquarters.
- Lack of policy to guide the implementation of the adoption law is critical. There are no guidelines that guide on the various steps of child adoption. Some indicated frustration that no stipulations were given on which documents were required and how to be acquired. A respondent remarked,  
*“Getting a birth certificate for an adopted child is a nightmare and one would hardly know where to start”*

- Respondents indicated that the adoption Law was not being effectively implemented. For instance, the National Adoption Committee provided for in the Children Act, 2001 Sec155 and which some of the respondents had been identified as members was not functional. The functions of the committee as stipulated in the Act are very crucial and failure to exercise them would definitely create loopholes in the practice.

From the above constraints, it can be deduced that child adoption practice in Kenya is riddled with a lot of problems hindering its proper utilization as intervention strategy for CEDCs.

## CHAPTER FIVE

### CONCLUSION AND RECOMMENDATIONS

#### 5.1 Introduction

This section gives a conclusion of the main highlights of the study findings. It further outlines key recommendations that attempt to respond to the constraints that impede effective child adoption practice as identified by the respondents. These recommendations can only be achieved with the commitment and proper coordination of the relevant stakeholders. Considering what child adoption can offer to the increasing numbers of CEDCs in the country, it is important that these recommendations be implemented.

#### 5.2 Conclusion

The problem of CEDCs remains a big challenge to this country. Whereas, some interventions have been put in place to ensure the wellbeing of the CEDCs, it is a fact that many children continue to suffer in hopelessness. Child adoption is a good intervention for CEDCs if given emphasis. The socio-economic factors considered on prospective adoptive parents before they are placed with a child are measures to ensure that a child gets parents/s that are capable of meeting all his/her needs. However, this needs to be strengthened with intensive monitoring of the child prior and after the determination of the adoption order to ensure the suitability of adoption as an intervention strategy for CEDCs in Kenya.

Although an old practice in Kenya, child adoption has not been socially accepted among most Kenyans. Cultural, economic and social factors as revealed in this study have hindered its acceptability. It is the responsibility of the family and the community to ensure the protection

of all its children. It is therefore unfortunate when a noble intervention is not well understood by the society. This shows that Kenyans are yet to view child adoption as one of the best solutions to CEDCs meaning that it might take long before they realize and appreciate that it is their responsibility to provide care to the needy children.

There is very low awareness among Kenyans on Child adoption. Besides, no institution has taken responsibility to intensively educate Kenyans about it. If such an important strategy is not given focus in terms of creation of awareness by the stakeholders, it means that the situation of CEDCs in Kenya is not likely to improve in the near future. This scenario has diverse and negative implications on the future of these children and the nation as a whole. It is important that adoption be de-stigmatized to allow all those who want to adopt to do so without fears. Though the process of sensitization may be gradual it is definite that if the state would take lead in popularizing adoption more children will eventually get the benefit of growing up in a family.

Child adoption in Kenya is curbed by a lot of constraints. It is important that some if not all of these constraints be addressed before it can be referred to as an effective an intervention strategy. The issue of financial implications should not be a limiting factor if the strategy is in the best interest of the child. After all, every child requires growing up in a home with loving parent/s and with a hope for the future. It is the responsibility of all Kenyans to provide such a home for the needy children in order to ensure a healthy nation.

### 5.3 Recommendations

- The government and other stakeholders should carry out massive awareness campaigns on child adoption through all possible forums like print and electronic media. This will give Kenyans an opportunity to understand what adoption entails and they might appreciate its role in child protection. Proper sensitization will demystify adoption and correct the negative perceptions that most Kenyans have about the practice. The adoptive parent/s and the adopted children are also likely to receive more acceptance from the community and this will reduce the amount of stigma that they go through.

In general, the practice will gradually be accepted and many children who are currently on the streets, institutions and other difficult circumstances are likely to benefit from the service. Intensive awareness spearheaded by the Government will also show its commitment in addressing the plight of children in difficult circumstances and especially those in need of family care.

- In terms of monitoring, an intensive monitoring unit should be established by the Children's Department to oversee both local and international adoptions. The capacity of Children's Department should be strengthened to be able to effectively monitor institutions dealing with child adoption and even follow up cases of children who have been given out for adoption. This implies that there would be need to have enough personnel with relevant skills like counseling and social work, transport to facilitate home visits and enough funds to meet the required demands of the service. A system should be established to ensure that children adopted outside the country are monitored



by the relevant agencies in those countries and a feedback made to the government (Children's Department). The aspect of monitoring can further be strengthened by establishing a central database on all cases of adoption.

- The legal fee charged by lawyers should be standardized to an amount that is affordable to ordinary Kenyans. Currently, there is no institution that controls the adoption fee giving lawyers room to charge exorbitant fees. The lawyers should also be sensitized on the social and psychological aspects of adoption so that they can handle the process with the care and respect it deserves. Further, they should be made to understand that adoption is not just like any other case since it is about giving hope and a home to children who would otherwise suffer without parental care. The Law Society of Kenya should be sensitized on the same and involved in ensuring that lawyers do not overcharge. Both the child and the prospective adopters should be protected from every form of exploitation and frustration.

However, some respondents felt that the role of the lawyers in adoption should be scrapped and argued that adoption cases can be handled without a lawyer, if not; the government should provide free legal aid. It is important that child adoption be made a free service to ensure that many children benefit from it. This will clear the notion that adoption is about buying a child and those willing to adopt will not be constrained by lack of funds.

- The government and other stakeholders in child adoption should encourage adoptive parents to form support groups. This will give them an opportunity to share experiences and to deal with the issue of stigma and other fears that go with child adoption.
- The government should consider child adoption as an essential service for children in difficult circumstances. Adoption should be considered like other essential services like health care and education and given preference in terms of budgetary allocations. The government should mobilize and allocate enough resources to efficiently facilitate the process. The institutions that cater for prospective adoptive children should have enough resources to provide quality services and those facilitating the process should be thoroughly equipped to ensure that the adoption process is carried out efficiently.
- The adoption process should be made more expedient and the court should determine the adoption cases within a considerable period to avoid the adoptive parents spending a lot of time going to court. The respondents felt that the court procedure should be shortened.
- There is need to register enough Adoption Societies and decentralize them to other parts of the country, currently all the adoption societies are based in Nairobi. The Capacity of the potential adoption societies should be assessed before they are registered to ensure that they are able to effectively provide the service. Further there is need to reduce or even scrap the adoption fee charged by adoption societies.

- The gaps in the adoption Law should be identified and addressed. The Act should be reviewed from time to time to incorporate the emerging trends in the practice of child adoption. All stakeholders should be involved in this process to ensure that all emerging issues are taken on board.
- The government should provide incentive and other subsidizes to families willing to adopt but lack resources. Some respondents argued that while the willing families provide the children with a home, the government should provide free education and medical care to such children. To emphasize this, a respondent stated,
 

*“ If adoption is to be taken as an intervention strategy for CEDCs, a subsidie program should be established by the government since the level of poverty among many Kenyans cannot allow them to adopt.. ”*

Adamec and Pierce (1991:93) quote Deborah Hage on her personal experience with subsidies which states, “one thing is certain; without the prospects of a subsidy, we would not have considered adoption...the expense would have been too much of a burden. “She concluded” that the bottom line on adoption subsidies; they enable children to be adopted who otherwise might not be.”

The needs of a child in difficult circumstances are many and extend beyond physical needs. There are many Kenyans who would be willing to provide love and emotional support to a needy child despite their scarce resources and such should be given assistance to be able to meet the needs of the child.

- The Children's Courts which are spread in most districts in the country should also be allowed to handle adoption cases to ease the backlog from the High Court. This will minimize the delay in determination of the adoption cases. It will also reduce the frustration that some prospective adoptive parent/s go through as they wait for along time to have their cases determined. It will further reduce the long distances that some of them have to cover to access the high court.
- On lack of policy to guide the practice, the government should provide clear procedures and guidelines on every step of adoption for both domestic and international adoptions. The guidelines should be widely disseminated to all stakeholders. The government should further ensure that the provisions of the Adoption Law are implemented by stakeholders. This can be achieved through intensive monitoring.
- The government should provide periodic training/courses related to adoption to all stakeholders dealing with adoption. This will enhance collaboration and networking among stakeholders and further provide an opportunity to streamline the adoption service.
- As established throughout the study, Child adoption is a very good strategy for CEDC's. It is therefore important for the government to give it focus in terms of research. This means that funds should be allocated specially for carrying out studies in different aspects of child adoption and ensuring that the findings are implemented.

If the above recommendations are addressed, child adoption is likely to emerge as the best intervention strategy for CEDC in the country.

#### **5.4 Areas for further research**

Child adoption is a very wide topic but very crucial if given prominence as one of the main solutions to the problems facing our children today. There is urgent need to give the subject a lot of focus in terms of research. This research concentrated on local child adoption and there is need for further studies that would focus on international adoptions. This is a topic that can be approached from different perspectives and provide interesting findings. For instance, it would be interesting to find out factors that motivate foreigners to adopt Kenyans children although Article 21 of the UN Convention on the Rights of the Child states that inter-country adoption is only to be considered if the child cannot be suitably placed in his/her own country.

Every child has a right to grow up in his/her biological family and adoption is an alternative care for children who cannot be reintegrated back to their biological families. It is therefore important that a research be undertaken on factors that contribute to the child being in need of adoption services and how these factors can be addressed. Also, since child adoption has been identified as one of the best intervention for CEDCs in the country, it would therefore be important to conduct a study that would highlight how adopted children grow up in the adoptive families. Findings from these kinds of studies would go along way in improving adoption practice in Kenya if implemented.

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## Appendix 1

### Interview Guide

#### Section One

1. Sex 1. Male 2. Female

2. Age.....

3. Marital Status 1. Married 2. Single 3. Divorced 4. Widowed

4. Level of Education 1. Secondary 2. College 3. University

5. Employer 1. Government 2. NGO 3. Others (specify)

6. Occupation.....

7. Name of your organisation.....

8. Do you have your own children? 1. Yes 2. No

9. Have you ever adopted a child? 1. Yes 2. No

If yes, give reasons

If no, give reasons

10. Are you familiar with the topic of child adoption in Kenya?

1. Yes 2. Fairly familiar 3. Not familiar

11. What exactly do you do in child adoption?

### Section Two

12. Can you please explain the importance of social inquiry report on adoptive applicant(s) prepared by social agencies for the court before the adoption application is determined?

13. What is the relevance of age of the adoptive parent(s)?

14. In your view which marital status is appropriate for an adopted child?

1. Married 2. Single 3. Both

Explain your answer

15. The Children Act 2001 is specific that a sole male/female applicant cannot adopt a child of opposite sex (female/male respectively) unless special circumstances.

In your view, what are the implications?

16. The Children's Act Cap 586 Laws of Kenya stipulates that unless the court is satisfied that there are special circumstances which justify exceptional measures, the making of an adoption order shall not be made in favour of spouse of polygamous marriage. What is the relevance of this?

17. What is the importance of the health status of adoptive applicants?
18. What is the relevance of establishing the fertility status of adoptive applicants?
19. What is the relevance of the adoptive applicant/s' level of income?
20. Can you please explain the purpose of the requirements that adoptive applicants provide references from people who know them well?
21. Are there other very important factors on adoptive applicant/s that you think have been left out and what are their relevance?
22. Does cultural background affect ones attitude towards child adoption?
1. Yes    2. No
- If yes, what are some of the factors that can hinder its acceptability among some communities?
23. Give a general description of public's attitude towards child adoption
24. Do you think Kenyans adopt children in order to contribute to their welfare or for their own personal reasons?
- Give major reasons that make Kenyans adopt children
25. What advantage do you think child adoption has as a method of intervention for CEDCS?

26. In your view has child adoption been adequately utilized as an intervention for CEDC in Kenya? 1. Yes 2. Fairly utilized 3. Not utilized

Explain your answer

27. Do you think Kenyans are fully sensitized on child adoption as an intervention Strategy for CEDCs? 1. Yes 2. Fairly sensitised 3. Not sensitised

If your answer is no, why haven't they been sensitised?

28. How can you rate the level of awareness among Kenyans on child adoption? 1. Good 2. Fair 3. Poor 4. Very poor

29. If intensive awareness is conducted, do you think more CEDCs will benefit from adoption services?

Explain your answer

30. In your view what are major constraints in child adoption practise in Kenya?

31. What in you view as a practitioner are measures that should be taken to improve child adoption in Kenya?

32. Give any other comment on child adoption as an intervention mechanism for CEDCs in Kenya

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