

IN EXERCISE of the powers conferred by section 217 of the Children Act, 2020,
the Cabinet Secretary makes the following Regulations -

THE CHILDREN (ADOPTION) REGULATIONS, 2020

Arrangement of Regulations

Regulations	PART I - PRELIMINARY
1.	Citation and Commencement
2.	Interpretation
3.	Principles of Adoption
	PART II - THE NATIONAL ADOPTION COMMITTEE
4.	Establishment and Functions of National Adoption Committee
5.	Procedure for Appointment of Members of the National Adoption Committee
6.	When Appointment may be Made
7.	Vacancy Not to Affect Proceedings
8.	Meetings of the National Adoption Committee
	PART III - APPROVAL AND REGISTRATION OF ADOPTION SOCIETIES
9.	Application for Registration
10.	Inspection of Applicant's Principal Place of Business
11.	Inspection Report
12.	Consideration of Inspection Report
13.	Review of Registration
14.	Case Committee
15.	Vacancy in Office of Case Committee
16.	Removal from Membership of Case Committee
17.	Functions of Case Committee
18.	Adoption Society to Act on the Recommendation of the Case Committee
19.	Meetings of the Case Committee
20.	Duty to Display, and Prohibition of Transfer, of Certificate of Registration
21.	Duty of Adoption Society in Relation to Care and Supervision of Children
22.	Report and Accounts of the Adoption Society
23.	Fees and Expenses of the Adoption Society
	PART IV - DUTIES OF ADOPTION SOCIETIES IN ADOPTION PROCEEDINGS
24.	Child's Case Record
25.	Transfer of Child's Case Record in Certain Cases
26.	Duty to Furnish Explanatory Memorandum etc.
27.	Social Inquiry and Medical Reports
28.	Application for Adoption Placement

29.	Home Assessment Report
30.	Rescission of Approval
31.	Placement of a Child for Adoption
32.	Adoption Society to Conduct Post-Placement Assessment
33.	Termination of Adoption Placement
	PART V – INTER-COUNTRY ADOPTIONS
34.	Interpretation Under Part V
35.	Approval of Foreign Adoption Society
36.	Consideration of Application
37.	Application for Inter-Country Adoption
38.	Procedure and Undertaking in Inter-Country Adoptions
39.	Procedure Where Adoption Placement is Terminated
40.	Breach of Undertaking by Foreign Adoption Society
41.	Grant of an Adoption Order
42.	Certificate of Conformity to Issue
43.	Registration of Local Adoption Society for Inter-Country Adoption
	PART VI – MISCELLANEOUS PROVISIONS
44.	Adoption of Children with Special Needs
45.	Fees
46.	Transitional Provisions
47.	Repeal of 2005 Regulations
First Schedule	Meetings of the National Adoption Committee
Second Schedule	<p style="text-align: center;">Forms</p> <p>Form No CAR 1 – Form of Application for Registration of an Adoption Society</p> <p>Form No CAR 2 – Certificate Of Registration For An Adoption Society</p> <p>Form No CAR 3 – Appeal Against Rejection of Application for Registration as an Adoption Society</p> <p>Form No CAR 4 – Form of Renewal for Registration of an Adoption Society</p> <p>Form No CAR 5 – Form of Annual Report</p> <p>Form No CAR 6 – Form of Social Inquiry</p> <p>Form No CAR 7 – Medical Report</p> <p>Form No CAR 8 – Undertaking by Foreign Adoption Society</p> <p>Form No CAR 9 – Certificate of Conformity</p> <p>Form No CAR 10 – Form of Application by Local Adoption Society for Registration to Undertake Foreign Adoptions</p>
Third Schedule	Explanatory Memorandum for Biological Parent/Guardian
Fourth Schedule	Home Assessment Report

Fifth Schedule	Explanatory Memorandum for Adopters
Sixth Schedule	Post Placement Assessment Report
Seventh Schedule	Requirements for Foreign Adoption - Adopters
Eighth Schedule	Undertaking by Adopters- Foreign Adoption
Ninth Schedule	Undertaking by Foreign Adoption Society
Tenth Schedule	Fees

	PART I - PRELIMINARY
Citation and Commencement	1. These Regulations may be cited as The Children (Adoption) Regulations, 2020 and shall come into force on such date as the Cabinet Secretary may, by notice in the Gazette, appoint.
Interpretation	<p>2. In these Regulations any word or expression to which a meaning has been assigned in the Act has the meaning so assigned to it, and unless the context otherwise requires –</p> <p>“Act” means the Children Act, 2020;</p> <p>“adoption placement” means the placement of a child with an approved applicant for the purposes of adoption of the child by the approved applicant;</p> <p>“adoption society” means a duly registered society accredited and licensed pursuant to section 210(5) of the Act;</p> <p>“authorised officer” has the meaning assigned to it under section 2 of the Act;</p> <p>“applicant” means –</p> <p>(a) in relation to Part III, an organisation applying for Certificate of Registration as an adoption society;</p> <p>(b) in relation to Part IV, includes either, as well as both, of two joint applicants for an adoption placement;</p> <p>(c) in relation to Part V, a foreign adoption society seeking approval by the National Adoption Committee to initiate adoption arrangements in Kenya;</p> <p>“Cabinet Secretary” has the meaning assigned to it under section 2 of the Act;</p> <p>“child “ has the meaning assigned to it under Article 260 of the Constitution;</p>

	<p>“Council” has the meaning assigned to it under section 2 of the Act;</p> <p>“ Court” means High Court established under Article 165 of the Constitution;</p> <p>“Director” has the meaning assigned to it under section 2 of the Act;</p> <p>"Registrar" means the Registrar of the High Court, and includes a Deputy Registrar;</p> <p>“Register” the Adopted Children Register maintained pursuant to section 202 (1) of the Act;</p> <p>“Rules” means the Adoption Rules made under the Act;</p> <p>“National Adoption Committee” has the meaning assigned to it under section 2 of the Act;</p>
Principles of Adoption	<p>3. The adoption of a child in Kenya, including inter-country adoptions, shall be governed by the following general principles –</p> <p>(a) the best interest of the child shall be of paramount consideration;</p> <p>(b) as far as possible, preference shall be given to place the child in adoption with Kenyan citizens and with due regard to the principle of placement of the child in their own social-cultural environment; and</p> <p>(c) adoption proceedings shall be confidential.</p>
	PART II - THE NATIONAL ADOPTION COMMITTEE
Establishment and Functions of National Adoption Committee	<p>4. (1) The National Adoption Committee is established under section 186(1) of the Act.</p> <p>(2) The functions of the National Adoption Committee are specified in section 186(7) of the Act.</p> <p>(c) The register referred to in section 186(7) (h) of the Act shall contain the following particulars:</p> <p>(a) particulars of the children considered to be free for adoption, including –</p> <p>(i) the names of the children;</p>

	<p>(ii) the ages and gender of the children;</p> <p>(iii) the cultural identity of the children;</p> <p>(iv) the special needs, if any, of the children; and</p> <p>(v) the adoption society by which the adoption arrangements are made; and</p> <p>(b) The particulars of the prospective adoptive parent, including –</p> <p>(i) the name of each approved applicant, and the date of approval;</p> <p>(ii) in the case of inter-country adoptions, the name of a person not resident in Kenya who is approved to adopt a child in Kenya, and the date of the approval;</p> <p>(iii) whether the approval concerned was given after application to an adoption society; and</p> <p>(iv) the name and address of the adoption society to which the application for adoption placement was made and approved.</p> <p>(4) The National Adoption Committee shall remove from the register referred to in sub-regulation (3) the name of any person contained in the register –</p> <p>(a) on the making of an adoption order or interim order in favour of that person;</p> <p>(b) on receipt by the National Adoption Committee of a notice in writing from that person requesting the removal of the person's name;</p> <p>(c) if, after reasonable inquiry, the person cannot be found;</p> <p>(d) if, because of the change in the circumstances of the person, he or she is no longer suitable to adopt a child;</p> <p>(e) on refusal by the adoption society to assess the person, or on revocation of approval of the person for adoption placement; or</p> <p>(f) in such other circumstances as the National Adoption Committee considers appropriate.</p> <p>(5) Where a name removed at the request of the person concerned is the name of a person who applied jointly with another person for approval to apply for an adoption order, the</p>
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	<p>name of that other person shall, at the same time, be removed from the register.</p> <p>(6) Nothing in this regulation –</p> <p>(a) requires the adoption society to place a child for the purpose of adoption with an applicant whose name is on the register; or</p> <p>(b) gives an applicant whose name is in the register any right or entitlement to the placement of a child for adoption.</p> <p>(7) Under this regulation, “register” means the register maintained pursuant to section 186(7) (h) of the Act.</p>
<p>Procedure for Appointment of Members of the National Adoption Committee</p>	<p>5. (1) The National Adoption Committee is comprised of five members as specified in section 186(2) of the Act, and appointed by the Cabinet Secretary, pursuant to section 186(1) of the Act, by notice in the Gazette.</p> <p>(2) The two members appointed by the Cabinet Secretary in accordance with section 186(2) (b) of the Act shall be of opposite gender.</p> <p>(3) The nomination of three members by the respective organisations for appointment in accordance with section 186(2) (f) and (g) of the Act shall be by notice in writing addressed to the Cabinet Secretary.</p> <p>(4) The two members nominated by the Federation of Public Benefit Organisations pursuant to section 186(2) (f) of the Act shall be of opposite gender.</p> <p>(5) The chairperson of the National Adoption Committee shall be appointed in accordance with section 186(2) (a) of the Act, and shall serve for a term of three years renewable once.</p> <p>(6) Other members of the National Adoption Committee shall serve for a single term of five years, and shall not be eligible for re-appointment.</p> <p>(7) The members of the National Adoption Committee shall serve on a part-time basis.</p>
<p>When Appointment may be Made</p>	<p>6. (1) Subject to regulation (5). the Cabinet Secretary shall appoint a person to the National Adoption Committee at any time when a vacancy occurs in the office of chairperson or other member of the Committee.</p>

	<p>(2) The office of the chairperson or other member of the National Adoption Committee becomes vacant if the holder –</p> <p>(a) dies;</p> <p>(b) ceases to be a member of the nominating organisation;</p> <p>(c) is, without reasonable cause, absent from three consecutive meetings of the National Adoption Committee;</p> <p>(d) resigns from office by notice in writing addressed to the Cabinet Secretary;</p> <p>(e) is unable to perform the functions of the office of member of the National Adoption Committee arising out of physical or mental infirmity;</p> <p>(f) is negligent or incompetent in the performance of their functions;</p> <p>(g) is adjudged or otherwise declared bankrupt under any law for the time being in force in Kenya;</p> <p>(h) violates Chapter Six of the Constitution; or</p> <p>(i) is convicted of a criminal offence and sentenced to imprisonment for a term of not less than six months.</p> <p>(2) The Cabinet Secretary shall –</p> <p>(a) notify every vacancy in the Gazette within fourteen days of the occurrence of the vacancy;</p> <p>(b) in relation to a member nominated for appointment in accordance with section 186(2) (f) or (g) of the Act, invite nomination of a replacement by the nominating organisation within fourteen days from the date of the Gazette Notice referred to in paragraph (a) of this sub-regulation; and</p> <p>(c) appoint a new member to fill the vacancy within seven days from the date of receipt of the nomination under paragraph (b) of this sub-regulation.</p> <p>(3) An appointment to fill a vacancy under this regulation shall be for the remainder of the term of the member being replaced, and the new member shall be eligible for re-appointment.</p>
Vacancy Not to Affect	7. The validity of any proceedings of the National Adoption Committee shall not be affected by any vacancy among its

Proceedings	members or by any defect in the appointment of any member, or by reason of the fact that a person who was not entitled to do so took part in the proceedings of the National Adoption Committee.
Meetings of the National Adoption Committee	<p>8. (1) The meetings, business and affairs of the National Adoption Committee shall be conducted in accordance with the First Schedule to these Regulations.</p> <p>(2) Except as otherwise provided in the First Schedule, the National Adoption Committee may regulate its own procedure.</p> <p>(3) The National Adoption Committee may co-opt any person to attend at any of its meetings, but a person so co-opted shall not vote at such meeting.</p>
	PART III - APPROVAL AND REGISTRATION OF ADOPTION SOCIETIES
Application for Registration	<p>9. (1) An application under section 210(2) of the Act for registration of an adoption society shall be made to the Director in Form No. CAR1 set out in the Second Schedule accompanied by -</p> <p>(a) a certificate of registration of the applicant as a public benefit organisation issued more than twelve months prior to the making of the application;</p> <p>(b) certified copies of letters of appointment of the chief officers and employees of the applicant, including their respective academic and professional qualifications, their specific designations, job description and working experience whether in or outside the applicant's organisation;</p> <p>(c) a written description of the applicant's proposed programme and procedures, including an explanation of the applicant's policy regarding -</p> <p>(i) recruitment and assessment of persons who apply for an adoption;</p> <p>(ii) recruitment of persons who wish to place a child for adoption through the applicant;</p> <p>(iii) provision of counselling services for persons who apply for adoption and for adoptive parents;</p> <p>(iv) provision of counselling services for persons who wish to place a child, or who have placed a child, for adoption through the</p>

	<p>applicant; and</p> <p>(v) record keeping and storage of files and records;</p> <p>(d) a schedule of fees charged for the services provided by the applicant; and</p> <p>(e) written explanation of the applicant's registered office and physical location of its principal place of business.</p> <p>(2) In addition to the requirements set out in sub-regulation (1), the applicant shall have –</p> <p>(a) a duly qualified administrator with knowledge and experience in matters relating to children;</p> <p>(b) a duly qualified social worker with at least a bachelor's degree in social work, social sciences or a Diploma in social work from an institution of higher learning recognised in Kenya; and</p> <p>(c) such support staff as may be necessary and adequate in the carrying out of the duties and functions of an adoption society.</p> <p>(3) The applicant shall provide proof to the satisfaction of the National Adoption Committee that the applicant has the capacity and adequate resources to carry out adoption arrangements, which include –</p> <p>(a) an office and waiting room set in such a way as to guarantee the privacy of the biological parents or guardians, child and the prospective adoptive parents;</p> <p>(b) holding facilities where a child offered for adoption can be best taken care of;</p> <p>(c) a functional telephone line and postal address listed in the directory in the name of the applicant, and any changes to these details shall be communicated to the National Adoption Committee;</p> <p>(d) access to the services of a qualified medical practitioner duly registered as such under the Medical Practitioners and Dentists Act; and</p> <p>(e) any other information that the Director considers necessary to enable the National Adoption Committee to determine the capacity of the applicant to provide the services and carry out the responsibilities of an adoption society.</p>
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	(4) The Director shall, within fourteen days, acknowledge in writing receipt of the application for registration and present it to the National Adoption Committee for approval, as required by section 210 (5) of the Act, at its meeting next following the application.
Inspection of Applicant's Principal Place of Business	10. The Director shall inspect the applicant's principal place of business to ascertain whether the application meets the requirements prescribed under these Regulations.
Inspection Report	11. Upon inspection of the applicant's principal place of business, the Director shall – (a) prepare a comprehensive report of their findings; and (b) submit their report together with the application made under this Part to the National Adoption Committee for its Consideration.
Consideration of Inspection Report	12. (1) Upon consideration of the application and Director's report, the National Adoption Committee may – (a) approve registration of the applicant as an adoption society and recommend to the Council to issue a Certificate of Registration in Form No. CAR2 set out in the Second Schedule in accordance with section 210(5) of the Act on payment of the fee prescribed in the Tenth Schedule; or (b) refuse the application for registration on any of the grounds set out in section 210(3) (b) of the Act, in which case the Director shall, within fourteen days, give the applicant written notice of refusal giving reasons therefor. (2) An appeal against the National Adoption Committee's decision to refuse registration shall be made to the Cabinet Secretary in Form No. CAR3 set out in the Second Schedule within thirty days from the date the applicant is notified of the refusal.
Review of Registration	13. (1) In order to facilitate review by the National Adoption Committee of the registration of any adoption society at any time or at the expiration of the validity of registration pursuant to section 210(6) of the Act, the National Adoption Committee may – (a) call for a fresh inspection report by the Director on the matters specified in regulation 11; and (b) require the adoption society to submit a detailed statement of

	<p>the changes (if any) in the information given in the application for the initial registration, or since the date of the last review of registration, as the case may be.</p> <p>(2) The application for renewal shall be in Form No. CAR4 set out in the Second Schedule, which shall be accompanied by a statement disclosing the changes (if any) in information given in the initial application or in the last application for renewal.</p> <p>(3) Upon review, the National Adoption Committee may –</p> <p>(a) recommend to the Council that the adoption society’s registration be extended for a further period of twelve months; or</p> <p>(b) require the adoption society to appear before the National Committee to show cause why its registration should not be cancelled with immediate effect in accordance with section 210 (6) of the Act –</p> <p>(i) on any of the grounds specified in section 210(3) (b) of the Act; or</p> <p>(ii) on any other ground which the National Adoption Committee considers to be reasonable in the circumstances.</p> <p>(4) A decision of the National Adoption Committee made pursuant to sub-regulation (3) (b) shall be guided by the principles of fair administrative action prescribed in Article 47 of the Constitution.</p>
Case Committee	<p>14. (1) Upon registration, an adoption society shall establish a committee to be known as case committee comprised of not less than three and not more than five members, all of whom shall be trained social workers.</p> <p>(2) Prior to appointment, the adoption society shall submit the list of nominees for approval by the National Adoption Committee. The following persons shall not be eligible for appointment to the adoption society’s case committee:</p> <p>(a) an employee of the adoption society, or a person who is related to an employee of the adoption society; or</p> <p>(b) a person who is or has, in the last one year been, a trustee of the adoption society.</p> <p>(3) Members of a case committee of an adoption society shall serve for a term not exceeding three years renewable once.</p>

Vacancy in Office of Case Committee	<p>15. (1) The office of member of a case committee shall become vacant if the holder –</p> <p>(a) dies;</p> <p>(b) is absent from three consecutive meetings of the case committee without reasonable cause;</p> <p>(c) resigns from office by notice in writing addressed to the adoption society;</p> <p>(d) is unable to perform the functions of the office arising out of physical or mental infirmity;</p> <p>(e) is negligent or incompetent in the performance of his or her functions;</p> <p>(f) is adjudged or otherwise declared bankrupt under any law for the time being in force in Kenya;</p> <p>(g) violates Chapter Six of the Constitution; or</p> <p>(h) is convicted of a criminal offense and sentenced to imprisonment for a term of not less than six months.</p> <p>(2) The adoption society shall fill the vacancy in accordance with regulation 14.</p>
Removal from Membership of Case Committee	<p>16. Where an adoption society finds that a member of the case committee is unsuitable or unable to remain in office, the adoption society may remove the member from office at any time by giving him or her notice of its decision in writing, giving reasons for removal.</p>
Functions of Case Committee	<p>17. (1) The function of the case committee is to consider and make recommendations as to whether a child should be placed for adoption in any case referred to it by the adoption society.</p> <p>(2) In discharge of its function under sub-regulation (1), the case committee shall consider and have regard to –</p> <p>(a) the duties imposed on the adoption society by section 212 of the Act;</p> <p>(b) the reports and any other information submitted to it by the adoption society in accordance with regulation 24(1) (b); and</p>

	<p>(c) any legal advice obtained by the adoption committee in relation to the case.</p> <p>(3) Where the case committee recommends to the adoption society that the child be placed for adoption, it shall consider and advise the adoption society on the arrangements proposed by the adoption society for allowing any person to have contact with the child.</p>
Adoption Society to Act on the Recommendation of the Case Committee	<p>18. (1) The adoption society shall take into account the recommendation of the case committee before making a decision as to whether the child shall be placed for adoption, or before taking any further action in the matter.</p> <p>(2) A member of the case committee shall not take part in any decision of the adoption society made under this rule.</p> <p>(3) The adoption society shall give written notice of its decision to the child's parent or guardian, or other person who is liable by virtue of an order or agreement to contribute to the maintenance of the child, if their whereabouts are known to the adoption society.</p> <p>(4) Where the adoption society approves an adoption placement, it shall submit the report containing its decision to the National Adoption Committee, within fourteen days from the date its decision is made, requesting that the child be declared free for adoption pursuant to section 186 (7) (i) of the At.</p> <p>(5) No person shall commence any arrangements for the adoption of a child unless and until the National Adoption Committee has, by written confirmation, declared the child free for adoption.</p>
Meetings of the Case Committee	<p>19. (1) A decision of the case committee shall not be considered as having been validly made unless such decision is made at a meeting attended by at least three of its members qualified to attend and vote at the meeting.</p> <p>(2) A case committee shall make a record of its proceedings, recommendations, and the reasons therefor.</p>
Duty to Display, and Prohibition of Transfer, of Certificate of Registration	<p>20. (1) A registered adoption society shall conspicuously display its Certificate of Registration at its principal place of business in such a way as to make it accessible for inspection by any person.</p> <p>(2) A certificate of Registration of an adoption society issued under these Regulations shall not be transferable.</p> <p>(3) An adoption society and each of its principal officers who</p>

	contravene sub-regulation (1) are guilty of an offence and shall, on conviction, be liable jointly and severally to a fine not exceeding twenty thousand shillings.
Duty of Adoption Society in Relation to Care and Supervision of Children	<p>21. (1) An adoption society shall, in accordance with section 212 (1) (h) of the Act, make adequate arrangements for the care and supervision of children who have been placed by their parents or guardians in the care of the adoption society pending adoption.</p> <p>(2) An adoption society shall, by a duly authorised officer, in the first month and at least once in every three months thereafter, visit and make a report to the case committee on every child who is available for adoption but is not living under the direct control of the adoption society unless and until such child has been adopted, or the Director otherwise directs.</p>
Report and Accounts of the Adoption Society	<p>22. (1) An adoption society shall, within twelve months after the date of its registration and thereafter at least once in every period of twelve months, furnish to the Director –</p> <p>(a) duly audited accounts and balance sheet of the adoption society; and</p> <p>(b) an annual report in Form No. CAR5 set out in the Second Schedule to these Regulations.</p> <p>(2) For the purpose of sub-regulation (1) (a), the auditor shall be an independent person who is the holder of a valid practising certificate issued pursuant to section 21 of the Accountants Act.</p>
Fees and Expenses of the Adoption Society	23. An adoption society may, pursuant to section 214 (2) (f) of the Act, levy such fees and expenses to defray the cost reasonably incurred in discharge of its functions under the Act and these Regulations.
	PART IV – DUTIES OF ADOPTION SOCIETIES IN ADOPTION PROCEEDINGS
Child's Case Record	<p>24. (1) In relation to every adoption proceeding, the adoption society shall keep the child's case record containing –</p> <p>(a) the information obtained by the adoption society under and by virtue of this Part;</p> <p>(b) a report on the child disclosing –</p> <p>(i) the information about the child and their family;</p> <p>(ii) a summary, written by the adoption society's medical adviser,</p>

	<p>of the state of the child's health, their health history, and any need for health care which might arise in the future;</p> <p>(iii) the wishes and feelings of the child regarding the adoption;</p> <p>(iv) the wishes and feelings of the child's parent or guardian, and any other person the adoption society considers relevant;</p> <p>(v) the views of the adoption society concerning the child's need for contact with their parent or guardian, or other relative, or any other person the adoption society considers relevant;</p> <p>(vi) an assessment of the child's emotional and behavioural development, and any related needs;</p> <p>(vii) an assessment of the parenting capacity of the child's parent or guardian;</p> <p>(viii) a chronology of the decisions and actions taken by the adoption society with respect to the child;</p> <p>(ix) an analysis of the options for the future care of the child have been considered by the adoption society, and why placement for adoption is considered the preferred option; and</p> <p>(x) any other information which the adoption society considers relevant.</p> <p>(c) the written record of the proceedings of the case committee pursuant to regulation 19 (2), its recommendation and the reasons for its recommendation, and any advice given by the case committee to the adoption society;</p> <p>(d) the record of the adoption society's decision, and any notification of that decision given pursuant to regulation 18;</p> <p>(e) any consent to placement for adoption given in accordance with section 189 (8) of the Act;</p> <p>(f) any form or notice withdrawing consent pursuant to section 190 (6) of the Act; and</p> <p>(g) any other documents or information obtained by the adoption society which it considers relevant for the case record.</p> <p>(2) The contents of the child's case record shall be confidential as mandated by section 213 (1) of the Act.</p> <p>(3) Without prejudice to the generality of sub-regulation (2), an</p>
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	<p>adoption society shall provide such access to its case records and disclose such information in its position, as may be required by-</p> <p>(a) the National Adoption Committee;</p> <p>(b) the Director for the purposes of the discharge of the Director's duties under the Act;</p> <p>(c) a court having power to make an order under the Act; or</p> <p>(d) any person appointed by the adoption society for the purposes of the consideration by the adoption society of any representations, including complaints;</p> <p>(4) The adoption society shall maintain a written record of any access provided or disclosure made by virtue of this regulation.</p> <p>(5) The adoption society shall ensure that the child's case record is at all times kept in secure conditions and, in particular, that all appropriate measures are taken to prevent the theft, unauthorized disclosure, loss or destruction of, or damage to, the case record or its contents.</p> <p>(6) Nothing in this regulation prevents an adoption society from transferring a copy of a child's case record or part thereof to another adoption society if it considers this to be in the interest of the child to whom the record relates, and a written record of any such transfer shall be kept.</p>
<p>Transfer of Child's Case Record in Certain Cases</p>	<p>25. A child's case record may be transfer to another adoption with the approval of the National Adoption Committee where -</p> <p>(a) the adoption society by which the child case record was maintained ceases to exist; or</p> <p>(b) the society Certificate of Registration of the adoption society by which the child case record was maintained is cancelled or is otherwise not renewed.</p>
<p>Duty to Furnish Explanatory Memorandum</p>	<p>26. (1) Where the parent or guardian offers to place a child at the disposal of a registered adoption society with a view to the child being adopted, the adoption society shall -</p> <p>(a) furnish the parent or guardian with, and explain the matters contained in the explanatory memorandum set out in the Third Schedule;</p> <p>(b) not accept the child unless the parent or guardian has signed and delivered to the adoption society the certificate of</p>

	<p>acknowledgment appended to the explanatory memorandum, and which the adoption society shall retain;</p> <p>(c) ensure that the parent or guardian has been provided with a written description of the adoption services provided by the adoption society;</p> <p>(d) make counselling services concerning the proposed adoption available to the parent or guardian, and to the child if the child is above ten years of age, and ensure that such counselling services are provided by a qualified person; and</p> <p>(e) refer the parent or guardian and the child, if the child is ten year of age or over, to the Director or legal practitioner for the execution and attestation of the consent to the making of an adoption order as required under rule 5 (d) of the Rules.</p>
Social Inquiry and Medical Reports	<p>27. (1) In the case of a child delivered by or on behalf of a registered adoption society into the care and possession of an adopter, the adoption society shall –</p> <p>(a) make inquiries and obtain a social worker’s report on the matters specified in Form No CAR 6 set out in the Second Schedule; and</p> <p>(b) obtain a medical report on the health of the child and the adopter in Form No. CAR 7 set out in the Second Schedule.</p> <p>(2) The reports obtained under this regulation shall be retained by the adoption society until the child attains the age of majority, or for such further period as the adoption society considers appropriate.</p>
Application for Adoption Placement	<p>28. (1) Where a person approaches an adoption society with a view to adopting a child offered for adoption through the adoption society, the adoption society shall –</p> <p>(a) provide the applicant with a written description of the adoption services provided by the adoption society together with a schedule of fees levied by the adoption society for services in that regard;</p> <p>(b) in the case of a local adoption, require the applicant to obtain a Police Clearance Certificate from the Directorate of Criminal Investigation or other State Department for the time being responsible for such criminal record check, and such certificate to be obtained not more than six months prior to the making of an application to the adoption society;</p>

	<p>(c) in the case of an inter-country adoption, require the applicant to furnish the adoption society with a certificate of criminal record check obtained from a competent authority in the applicant's country of residence not more than six months prior to the application;</p> <p>(d) refer the applicant for counselling by a person qualified to provide counselling services; and</p> <p>(e) require the applicant to furnish the adoption society with such documents or information as the adoption society considers necessary to support the application, including all or any of the documents required to support an application for an adoption order in accordance with the Act and the Rules.</p> <p>(2) Upon receipt of the documents referred to in sub-regulation (1) (e), the adoption society may –</p> <p>(a) accept the application subject, however, to the decision of the adoption committee to approve or refuse approval of the adoption placement on completion of the home assessment in respect of the applicant as required under regulation 36; or</p> <p>(b) refuse to approve the applicant for adoption placement and notify the applicant of the reasons for refusal.</p>
Home Assessment Report	<p>29. (1) Where the adoption society approves the application, the adoption society shall visit the applicant's home and prepare a home assessment report containing the matters specified in the Fourth Schedule within thirty days from the date of approval, or within such other reasonable time as may be necessary to ensure expedition of the adoption proceeding.</p> <p>(2) On completion of a home assessment report in respect of an applicant, the adoption society shall –</p> <p>(a) if, in its opinion, the applicant is a fit person to have the care and custody of the child, approve the applicant for an adoption placement; or</p> <p>(b) if, in its opinion the applicant is not a fit person to have the care and custody of the child, decline to approve the applicant for an adoption placement.</p> <p>(3) The adoption society shall not approve an adoption placement unless the applicant has received pre-placement counselling services from a qualified person regarding the adoption process and the parenting of an adopted child.</p>

Rescission of Approval	<p>30. (1) An adoption society may, at any time before a child is placed for adoption with an applicant who has been approved under regulation 29, rescind its approval if, in its opinion, circumstances have arisen, or evidence has become available, indicating that the applicant is not a fit person to have the care and custody of a child.</p> <p>(2) The adoption society shall, not later than ten days after that decision, give the applicant written notice of its decision setting out the reasons for it.</p>
Placement of a Child for Adoption	<p>31. (1) A child shall not be placed for adoption unless-</p> <p>(a) the case committee considers the report required under regulation 27(1);</p> <p>(b) the applicant has been approved by the case committee;</p> <p>(c) the applicant has read and understood the explanatory memorandum for adopters set out in the Fifth Schedule, and has duly signed the certificate of acknowledgment appended to the memorandum; and</p> <p>(d) in the case of joint applicants, the applicants have been married for a period of not less than three years prior to the date of commencement of adoption arrangements.</p> <p>(2) An adoption society shall not place a child for the purpose of adoption with an applicant if the applicant has received an adoption placement in the previous twelve months period, unless -</p> <p>(a) the child who is proposed to be placed with the applicant is a sibling of the child previously placed with the applicant for the purpose of adoption; or</p> <p>(b) the applicant's previous adoption placement is no longer subsisting.</p>
Adoption Society to Conduct Post-Placement Assessment	<p>32. (1) The adoption society shall, within twenty one days after the child is placed for adoption pursuant to regulation 31, ensure that the home of the approved applicant is visited by a qualified person for the purpose of commencing a post-placement assessment of the approved applicant.</p> <p>(2) A post-placement assessment report of the approved</p>

	<p>applicant shall contain the matters specified in the Sixth Schedule and shall-</p> <p>(a) be completed within fourteen days of the visit; and</p> <p>(b) form part of the adoption society's report required under rule 5(1) (e) of the Rules.</p>
Termination of Adoption Placement	<p>33. (1) The approved applicant may terminate an adoption placement by notice in writing addressed to the adoption society.</p> <p>(2) On receiving a notice of termination of adoption placement given under this rule, the adoption society shall -</p> <p>(a) notify the National Adoption Committee;</p> <p>(b) notify the parent or guardian of the child; and</p> <p>(c) advise the parent or guardian of the child of their right to resume custody of the child.</p> <p>(3) Where adoption placement is terminated under this rule, the adoption society shall refer the parent or guardian of the child, and the child (if the child is ten years of age or older) to a legal practitioner for the completion of a consent to the making of an adoption order, pursuant to section 189 (8) of the Act, in favour of another applicant.</p>
	PART V - INTER-COUNTRY ADOPTIONS
Interpretation under Part V	<p>34. In this Part, unless the context otherwise requires -</p> <p>"foreign adoption society" means a society other than a local adoption society, and which has been approved by the government of the receiving country;</p> <p>"Hague Convention" means the Hague Convention on the Protection of Children and Co-operation in respect of Inter-country Adoption of 29th May 1993;</p> <p>"local adoption society" means a society registered under section 210 of the Act; and</p> <p>"receiving country" means the country where the adopted child will ordinarily reside and gain citizenship, and which are signatories to the Haig Convention.</p>
Approval of Foreign	<p>35. (1) A foreign adoption society shall not initiate adoption arrangements in Kenya unless it has been approved by the</p>

Adoption Society	<p>National Adoption Committee in accordance with these Regulations.</p> <p>(2) An application for approval under this regulation shall be made in writing to the National Adoption Committee, and shall be accompanied by –</p> <p>(a) a certificate of approval by a competent authority of the receiving country; and</p> <p>(b) an undertaking to respect the applicable law of Kenya.</p>
Consideration of Application	<p>36. (1) On receiving an application under regulation 35, the National Adoption Committee may either approve or reject of the application.</p> <p>(2) The National Adoption Committee shall communicate its decision to the local adoption society within seven days from the date on which the decision is made.</p> <p>(3) Where an approval is granted, the local adoption society shall communicate the decision in that regard to the foreign adoption society within thirty days of the date of receipt of such approval, and the communication shall be accompanied by –</p> <p>(a) a brief report on the child, if any, available for adoption at the point in time, who match the adopter’s preferences;</p> <p>(b) information about the approximate length of time the adoption process is likely to take, the requisite court filing fees, advocates’ fees, administrative and accommodation charges, and any other relevant information; and</p> <p>(c) a copy of the undertaking in Form No. CAR8 to be executed by the foreign adoption society before the conclusion of the adoption proceedings.</p> <p>(4) Where an application for approval is rejected, the local adoption shall communicate the rejection to the foreign adoption society within thirty days from the date of receipt of the National Adoption Committee’s decision in that regard, setting out the reasons for the rejection.</p> <p>(5) Where an application for approval under this Part is refused, the foreign adoption society may submit another application within six months from the date of refusal of the previous application.</p>
Application for	37. (1) An application for an inter-country adoption presented by

Inter-Country Adoption	<p>a foreign adoption society on behalf of an applicant shall be made through a local adoption society in accordance with Part II of the Rules, and shall be accompanied by the documents specified in the Seventh Schedule.</p> <p>(2) All documents submitted by a foreign adoption society shall be notarized or authenticated by the Ministry responsible for matters relating to foreign affairs in the receiving country.</p> <p>(3) Upon receipt of an application for adoption from a foreign adoption society, the local adoption society shall submit the same to the National Adoption Society within fourteen days from the date of receipt.</p>
Procedure and Undertaking in Inter-Country Adoptions	<p>38. (1) Where an application for inter-country adoption is approved, the foreign adoption society shall make arrangements for the prospective adopter to travel to Kenya within a period of three months from the date of receipt of notification of approval.</p> <p>(2) When the prospective adopter arrives in Kenya, the local adoption society shall –</p> <p>(a) introduce the prospective adopter to the children available for adoption who match the adopter’s preference; and</p> <p>(b) where the adopter is willing to proceed with the adoption process, require the adopter to sign the undertaking set out in the Eighth Schedule before commencement of adoption proceedings under the Rules.</p> <p>(3) The placement of the child for adoption and supervision by the local adoption society shall be in accordance with Part III.</p> <p>(4) On completion of the placement period to the satisfaction of the local adoption society, the local adoption society may assist the adopter in making an application, either in person or by his or her advocate, to the Court for an adoption order in accordance with the Rules, and the approval of the National Adoption Society to the adoption arrangements shall form part of the bundle of documents to be submitted in support of the application.</p> <p>(5) Where the local adoption society is not satisfied with the conduct of the prospective adopter during the placement period, it shall inform the National Adoption Committee, which shall carry out investigations as to the suitability of the adopter including making inquiries with the foreign adoption society and shall communicate its findings to both the local and foreign adoption societies.</p>

	<p>(6) Where, upon conclusion of investigations conducted under sub-regulation (5) the National Adoption Committee decides to terminate the adoption arrangements, it shall inform both the local and foreign adoption societies of its decision in that regard within a reasonable period.</p>
Procedure Where Adoption Placement is Terminated	<p>39. Where an adoption placement is terminated pursuant to regulation 38(6), regulation 33 shall apply with necessary modifications.</p>
Breach of Undertaking by Foreign Adoption Society	<p>40. (1) Where a foreign adoption society breaches any of the provisions of its undertaking set out in the Ninth Schedule, the National Adoption Committee shall –</p> <p>(a) at any stage, stop ongoing adoption arrangements; and</p> <p>(b) bar the foreign adoption society from engaging in other adoption arrangements in Kenya for such period as the National Adoption Committee may determine.</p> <p>(3) Where there is no other approved foreign adoption society to which adoption files of a foreign adoption society that has been barred from engaging in adoption proceedings in Kenya can be transferred, all ongoing adoption arrangements being undertaken by the disapproved society shall lapse.</p> <p>(2) Where a foreign adoption society is barred from engaging in adoption arrangements in Kenya, it shall transfer all files relating to ongoing adoption arrangements in Kenya to another approved foreign adoption society, and shall notify the local adoption society of such transfer within thirty days of such transfer.</p>
Grant of an Adoption Order	<p>41. (1) Where the Court grants an adoption order on application by the adopter, the local adoption society shall notify the foreign adoption society accordingly within seven days from the day on which the order is made, and may assist the adopter to obtain the necessary travel documents for the child to facilitate departure from Kenya.</p> <p>(2) The foreign adoption society shall submit to the local adoption society reports on the progress made by the adopted child in the receiving country once every three months during the first two years from the date of making of the adoption order, and annually thereafter, and shall continue to submit such reports until the third annual progress report has been given, or the child attains the age of majority, whichever comes earlier.</p> <p>(3) Upon the grant of an adoption order, the local adoption</p>

	society's file in respect of the case in which the order is made shall be closed and retained by the local adoption society on receipt of the third annual progress report from the foreign adoption society on the adopted child.
Certificate of Conformity to Issue	42. Upon grant of an adoption order, the National Adoption Committee shall, in accordance with the Hague Convention, issue a Certificate of Conformity to the adopter in Form No. CAR 9 set out in the Second Schedule.
Registration of Local Adoption Society for Inter-Country Adoption	<p>43. (1) A local adoption society may apply to the Director for registration to undertake inter-country adoptions in Form No. CAR10 set out in the Second Schedule.</p> <p>(2) A local adoption society registered to carry out inter-country adoptions shall submit an application for inter-country adoptions as if it were an application for local adoption, and all provisions of these Regulations pertaining to the matters specified in sub-regulation (3) shall apply to such local adoption society as if it were a foreign adoption society.</p> <p>(3) The provisions relating to the matters referred to in sub-regulation (2) pertain to –</p> <p>(a) the suitability of adopters;</p> <p>(b) travel arrangements for adopters;</p> <p>(c) placement of children with adopters;</p> <p>(d) the signing of undertakings;</p> <p>(e) application for and the making of adoption orders; and</p> <p>(f) furnishing of progress reports, save that its progress reports shall be furnished to the National Adoption Committee.</p>
	PART VI – MISCELLANEOUS PROVISIONS
Adoption of Children with Special Needs	<p>44. (1) The process of adoption of children with special needs shall be conducted as a matter of priority by the adoption societies and the National Adoption Committee from the date on which such children are declared legally free for adoption by the National Adoption Committee.</p> <p>(2) Special care shall be taken while processing the cases for adoption of children with special needs to ensure that the prospective adoptive parents are aware of the special needs and medical condition of the child, and are capable, ready and willing</p>

	to provide the care and attention required by the child.
Fees	45.The fees payable under these Regulations are set out in the Tenth Schedule.
Transitional Provisions	46. (1) Every adoption society registered under the Children Act, 2001 (now repealed) shall comply with these Regulations relating to renewal of registration in accordance with regulation 20. (2) The National Adoption Committee established under the Children (Adoption) Regulations, 2005 (now repealed) shall be deemed to continue as if it was established under these Regulations. (3) Anything done or commenced under the Children (Adoption) Regulations, 2005 (now repealed) shall be deemed to be validly done as if such thing or matter was done or commenced under these Regulations.
Repeal of 2005 Regulations	47.The Children (Adoption) Regulations, 2005 are repealed.

Regulation 8

FIRST SCHEDULE

Meetings and Procedure in the Conduct of the Business and Affairs of the National Adoption Committee

1. Meetings

(1) The National Adoption Committee shall hold at least twelve ordinary meetings in each financial year.

(2) The Secretary shall issue a fourteen days' notice convening a meeting of the National Adoption Committee and such notice shall set out in sufficient details the matters to be discussed at the meeting.

(3) Notwithstanding sub-clause (1), the chairperson may at any time, either of his or her own motion or on the requisition in writing of at least three members, convene a special meeting of the National Adoption Committee for the transaction of its business specified in the requisition, and notice of such meeting need not comply with the requirements of sub-clause (2).

(4) The chairperson shall preside at every meeting of the National Adoption Committee and, in his or her absence, the members present shall appoint one committee member to preside over the meeting.

(5) The proceedings of the meeting of the National Adoption Committee shall not be void by reason only of the absence of the chairperson.

2. Conflict of Interest

(1) A person with a personal or fiduciary interest in any matter before the National Adoption Committee, and is present at a meeting at which any such matter is the subject of consideration, that person shall as soon as is reasonably practicable after the commencement of the meeting, declare such interest, and shall not take part in any consideration or discussion of, or vote on, any question touching such matter.

(2) A disclosure of interest made under sub-clause (1) shall be recorded in the minutes of the meetings at which it is made.

(3) A person who contravenes sub-clause (1) commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand shillings.

(4) No member of the National Adoption Committee shall transact any business or trade with the National Adoption Committee directly or indirectly.

3. Quorum

(1) Subject to sub-clause (2), the quorum of the meeting of the National Adoption Committee shall not be less than half of the appointed members.

(2) Where there is a vacancy in the National Adoption Committee, the quorum of the meeting shall not be less than two members.

4. Voting

A question before the National Adoption Committee shall be decided by a majority vote of the members present and forming a quorum.

5. Rules of Procedure and Minutes

The National Adoption Committee shall determine the rules of procedure for the conduct of its business, and shall keep minutes of its proceedings and decisions.

SECOND SCHEDULE

Regulation 9 (1)

Form No. CAR 1

Form of Application for Registration of an Adoption Society

To: The Director of Children’s Services

I/We..... the undersigned being (a person) (persons) duly authorized on behalf of a society known as..... hereby apply to have the said society registered as an adoption society under section 210 (2) of the Act.

The following are particulars of the society-

- 1. Date of establishment.....
- 2. Full physical and postal address of the society’s administrative centre.....
- 3. (a) For what objective(s) was the society established?
- (b) Does it exist only for the above objective(s)?
- (c) Does it apply the whole of its income in promoting the above objectives?

[A copy of the instrument governing the society’s activities should be attached]

*4. Full names, addresses and occupation or description of members of the committee controlling the activities of the society.....

*5. Full names, addresses, occupation or description and qualifications of members of the proposed case committee.....

6. Has any person taking part in the management or control of the society or any member of the society been convicted of an offence under the Children Act, or of a breach of any regulations made thereunder? (If so, give particulars.)

*7. Full names, addresses and qualifications of persons employed by the society, whether voluntary or paid, for the purpose of making any arrangement for the adoption of children.....

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

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

Signature:

Office held under the society:.....

Address:

Date:

*Attach separate list if necessary.

Regulation 12(1) (a)

Form No. CAR 2

CERTIFICATE OF REGISTRATION FOR AN ADOPTION SOCIETY

This is to certify that..... of P.O
Boxsituated in..... has
been granted registration.

As an adoption society under section 210 (5) of the Children Act, 2020 for the
period to.....

Issued on theday of.....20.....
Registration number.....

.....
Chairperson,
National Adoption Committee

.....
Director,
Children's Services

Regulation 12 (2)

Form No. CAR 3

**Appeal Against Rejection of Application for Registration as an Adoption
Society**

To: The Cabinet Secretary, Ministry of
Nairobi.

I/We the undersigned, on behalf of a society called,
wish to appeal against the decision of the National Adoption Committee
rejecting our application for registration as an adoption society (attach copy of
application) communicated to us by letter dated (attached here)
on the following grounds:

(Specify the grounds on which the appeal is made)

Name:

Signature:

Office held under the society:.....

Address:.....

Date:

Regulation 13 (2)

Form No. CAR 4

Form of Renewal for Registration of an Adoption Society

To: The Director, Children's Services

I /Wethe undersigned being (a person) (persons) duly authorized on behalf of a society called.....
..... hereby apply for renewal of registration of the society under the Children (Adoption) Regulations.

The following are particulars of the society/body

1. Date of registrationRegistration number.....
2. Full physical and postal address of the society's administrative centre
.....
3. (a) For what objective(s) was the society established?.....
(b) Does it exist only for the above objective(s)?.....
(c) Does it apply the whole of its income in promoting the above objective(s)?
.....

[A copy of the instrument governing the society's activities should be attached]

*4. Full names, addresses and occupation or description of all members of the committee controlling the activities of the society.....

*5. Full names, addresses, occupation or description and qualifications of members of the Case Committee.....

*6. Has any person taking part in the management or control of the society or any member of the society been convicted of an offence under the Children Act, or of a breach of any regulations made thereunder? (If so, give particulars.)

*7. Full names, addresses and qualifications of all persons employed by the society, whether voluntary or paid, for the purpose of making any arrangement for the adoption of children.....

8. Cases dealt with by the society during the year ended+.....

(a) Number of applications from persons wishing to adopt a child.....

(b) Number of children offered to the society with a view to adoption.....

(c) Number of children taken into children's homes under the direct control of the society pending adoption.....

(d) Number of children placed by the society pending adoption in foster homes or children's homes not under the direct control of the society.....

(e) Number of children placed with a view to adoption.....

(f) Number of adoption orders made in respect of children placed by the society.....

(g) Number of children dying from the time they have been identified to be suitable for adoption.....

9. (a) Number of children placed for adoption by the society and awaiting adoption orders at the end of the year.

(b) Number of children in children's homes under the direct control of the society at the end of the year.

(c) Number of children at the end of the year in foster homes or in children's homes in which they had been placed by the society but which are not under society's direct control.

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

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

Signature:.....

Office held under the society.....

Address:.....

Signature:.....

Office held under the society:

Address:

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

Regulation 22 (1) (b)

Form No. CAR 5

Form of Annual Report

Report to the Director, Children's Services,

From the adoption society called.....
for the financial year ended *

1. Full postal address of the society's administrative centre.
2. Has there been any change in the objects for which the society exists?
Does it still apply the whole of its income in promoting those objects?
- +3. Names, addresses and occupation or description of all members of the committee controlling the activities of the society.
- +4. Names, addresses, occupation or description and qualifications of members of the Case Committee.
5. Has any person taking part in the management or control of the society or any member of the society been convicted of an offence under the Children Act, or of a breach of any regulations made thereunder? (If so, give particulars.)
- +6. Names, addresses and qualifications of all persons employed by the society whether voluntary or paid, for the purpose of making any arrangements for the adoption of children.
7. Cases dealt with by the society during the year ended *.....
 - (a) Number of applications from persons wishing to adopt a child.
 - (b) Number of children offered to the society with a view to adoption.
 - (c) Number of children taken into hostels under the direct control of the society or in a charitable children's institution pending adoption.
 - (d) Number of children placed by the society pending adoption in foster homes or hostels not under the direct control of the society.

(e) Number of children placed with a view to adoption.

(f) Number of adoption orders made in respect of children placed by the society.

7. (a) Number of children placed for adoption by the society and awaiting adoption orders at the end of the year.

(b) Number of children in hostels under the direct control of the society or in a charitable children's institution at the end of the year.

(b) Number of children at the end of the year in foster homes or in hostels in which they had been placed by the society but which are not under the society's direct control

8. A copy of the society's latest annual report is attached;

We hereby declare that the above particulars are correct in every respect.

Signature:

Office held under the society:

Address:

Signature:

Office held under the society:

Address:

Date:

Regulation 27 (1) (a)

Form No. CAR 6

Form for Social Inquiry

Particulars of the child

Full Names: Sex:

Date of Birth: Place of birth:

Name of hospital.....:

If other specify:

Nationality: Race.....

Religion: Level of education: Class:

Name of school:

Any rights or interest in property: Yes/No

If yes, give particulars.....

Any insurance effected in respect of the child: Yes/No

If yes give particulars.....

Particulars of the parents/guardian:

MOTHER

Name.....

Date of birth..... Place of birth.....

National ID/Passport No.

Marital status..... (Indicate if married to the child's father)

Nationality..... Race.....

Religion.....Address.....

Telephone.....Email.....

Level of education.....Occupation.....

County Sub – County

Location..... Sub-Location.....

Village..... Nearest landmark.....

Next of kin.....

Relationship.....

Contact Information.....

Particulars of other children, (if any):

Full Names	Age	Sex	Occupation
1.

2.
3.

Any history of hereditary or other diseases in the family? Yes/No.

If yes state:

Why is the child being offered for adoption?.....

Do you consent to the adoption? Yes/No.

If not, explain why.....

Signature..... Date.....

FATHER

Name.....

Date of Birth..... Place of birth.

National ID/Passport No.

Marital Status.....(Indicate if married to the child's mother)

Do you consent to the adoption? Yes/No If not, give reasons.....

Nationality.....Race.....

Religion.....Address

Telephone.....Email.....

Level of education..... Occupation.....

County.....Sub-county.....

Location..... Sub-location.....

Village..... Nearest landmark.....

Particulars of other children (if any)-

Full Names	Age	Sex	Occupation
1.
2.
3.

Any history of hereditary or other disease in your family? Yes/No.... If yes state:

Why is the child being offered for adoption?

If you are married to the mother or if you have acquired parental responsibility under the provisions of section 29 (3) of the Children Act, do you consent to the adoption?

If you don't consent, give reasons.....

Father's Signature..... Date.....

GUARDIAN

Full Names..... Date of Birth.....

Place of Birth.....National ID /Passport No.....

Marital Status.....

Nationality..... Race.....

Religion..... Address.....

Telephone..... Email.....

Education level.....Occupation.....

County..... Sub-county.....

Location..... Sub-location.....

Village..... Nearest landmark.....

By whom were you appointed guardian?.....

How were you appointed guardian?

Do you consent to adoption? Yes/No.....

If you don't consent give reasons:.....

Why is the child being offered for adoption?.....

RELATIVES

Are there any relatives who have offered to provide a home for the child?
Yes/No..... If yes give details-

Full Names	Relationship	Contact information
1.
2.
3.

Have they been informed of the proposed adoption? Yes/No. If not, give reasons.....

OTHER PERSONS

Other persons liable to contribute to the support of the child-

Full Names	Relationship	Contact information
1.
2.
3.

Do they agree to adoption? Yes/No..... If not, give reasons.....
.....

Guardian's signature..... Date.....

Regulation 27(1) (b)

Form No. CAR 7

MEDICAL REPORT

Part A - Medical Particulars of Child

(The medical report must be signed by a medical practitioner)

1.
 - (a) Full Names:
 - (b) Sex:
 - (c) Date of birth.
 - (d) Has the child suffered from neonatal jaundice?
 - (e) Weight at birth (state if premature).
 - (f) Present weight.

- (g) Was the mother's confinement normal or instrumental?
2. State of nutrition (good, fair, poor).
3. (a) When did the child begin to walk?
(b) When did the child begin to talk?
4. Has the child any infection of bones, muscles or joints?
5. Is there any evidences of paralysis?
6. What is the status of the child regarding diseases such as hepatitis B and tuberculosis?
7. Has the child had fits? If so, state nature.
8. Is there, or has there been, any infection of the skin?
9. Is there, or has there been any infection of the eyes? Is the sight normal?
10. Has the child had any discharge from the ears, or any serious ear trouble, and can it hear well?
11. Are the nose and throat in healthy condition?
12. Is there any evidence of disease of heart, lungs, kidneys or liver?
13. Has the child normal control of bowels and bladder for its age?
14. Has the child had measles, chicken pox, whooping cough, mumps or poliomyelitis?
15. Has the child received the following immunizations – B.C.G (against tuberculosis).....
- Pentavelant vaccination (against whooping cough, diphtheria and tetanus).....
- Tetanus toxoid.....
- Measles.....
- Other (state which).....
16. Is the child's mental and physical development normal for its age?
17. Are behaviour, speech and articulation normal for its age?

Kommentar [ML1]: This question poses legal risk

18. If the child has been neglected or improperly fed, do you consider its constitution such that good nursing and proper care would make it suitable for adoption?

19. Give particulars of any condition not mentioned above about which you consider an adopter should be informed.

Part B - Medical Particulars of Prospective Adopter

(The medical report must be signed by a medical practitioner)

1. (a) Name of prospective adopter;

(b) Date of birth;

(c) Sex;

(d) Address.

2. Is the prospective adopter able to have natural children of his/her own and if not, is the reason why he/she is unable to have such children known?

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

4. Has the prospective adopter suffered/suffering from any of the following?-

(a) tuberculosis;

(b) chronic bronchitis or recurrent chest illness;

(c) cardiovascular disease;

(d) any form of rheumatism;

(e) any form of neurosis or mental disorder;

(f) epilepsy;

(g) genito-urinary disease

(h) diabetes;

(i) any neurological disorder;

(j) leprosy;

(k) any illness which might shorten the expectation of life or cause recurrent disability.

5. Has the prospective adopter undergone any major surgical procedure?
6. Is there any relevant family history of mental or physical disease?
7. Is there any relevant abnormality in the following?
 - (a) cardiovascular system (blood pressure should be stated);
 - (b) respiratory system (if a chest x-ray is taken state date and result of such);
 - (c) urogenital system (state quantity of albumin and sugar in urine);
 - (d) abdomen and alimentary system;
 - (e) central nervous system;
 - (f) eyes and vision;
 - (g) ears and hearing;
 - (h) skin.
8. Is there normal use of limbs?
9. Does the prospective adopter appear mentally balanced and emotionally secure?
10. Are there any other facts, medical or otherwise, about the prospective adopter which should be known?

Regulation 36(3) (c)

Form No. CAR 8

Undertaking by Foreign Adoption Society

We..... (insert name of society) hereby undertake to -

- (a) carry out all activities pertaining to this adoption to its conclusion;
- (b) explain the requirements and legal implications of adoption of a child;
- (c) investigate the prospective adopters and prepare a Social Inquiry Report;
- (d) collect and collate all the requisite information for transmission to the local adoption society;
- (e) prepare the prospective adopter by sharing all the materials that shall have been sent by the local adoption society on the process of adoption in Kenya

together with the details of what is required of the adopters during their stay in Kenya;

(f) confirm that an adoption order made in Kenya shall be respected and recognized in the receiving country and that the adopted child shall gain resident status;

(g) conduct visits to the adopter's family, and to furnish the local adoption society with annual progress reports on the child for a period of three years from the date of arrival in the receiving country; and

(h) in the event of death or breakdown of the adopter's marriage, to ensure that the child enters into the care and possession of the named guardian or appointed fit person or authority.

Name of authorised officer.....

Designation.....

Signed.....

In the presence of:

Regulation 42

Form No CAR 9

CERTIFICATE OF CONFORMITY

NATIONAL ADOPTION COMMITTEE

Certificate Number:

Date:

(Under Article 23 of the Hague Convention on Protection of Children and Co-operation in respect of inter-country Adoption, 1993)

1. The undersigned authority: ^[]_[SEP]

(Name and address of the National Adoption Committee)

^[]_[SEP].....^[]_[SEP]

2. Hereby certifies that the child:^[]_[SEP]

Surname name:

Other name(s):

Sex: Male [] Female []^[]_[SEP]

Date of birth: day month year ...^[]_[SEP]

Place of birth:

Habitual residence:

3. Was adopted according to the decision of the following body^[L]_[SEP]

Date of the decision:

Date at which the decision became final:^[L]_[SEP]

4. By the following person(s):

(a) Surname name of the adoptive father:.....^[L]_[SEP]

Other name(s):^[L]_[SEP]

Date of birth: day month year^[L]_[SEP]

Place of birth:^[L]_[SEP]

Habitual residence at the time of the adoption:^[L]_[SEP]

(b) Surname name of the adoptive mother:.....

First name(s):

Date of birth: day month year^[L]_[SEP]

Place of birth:^[L]_[SEP]

Habitual residence at the time of the adoption:^[L]_[SEP]

5. The undersigned authority certifies that the adoption was made in accordance with the Convention and that the ^[L]_[SEP]agreements under Article 17, sub-paragraph c, were given by:

(a) Name and address of the Central Authority of the State of origin:

^[L]_[SEP].....^[L]_[SEP]

Date of the agreement:^[L]_[SEP]

(b) Name and address of the Central Authority of the receiving State:

.....^[L]_[SEP]

Date of the agreement:^[L]_[SEP]

6. The adoption had the effect of terminating the pre-existing legal parent-child relationship.

Done at , on

Signature and Seal of Authorized Signatory

Regulation 43 (1)

Form No. CAR 10

Form of Application by Local Adoption Society for Registration to Undertake Foreign Adoptions

To: The Director of Children’s Services, Nairobi.

I/We the undersigned, being (a person) (persons) duly authorized on behalf of the adoption society named hereby apply to have the said society licensed to undertake international adoptions.

The following are the particulars of the society -

- 1. Serial number and date of registration.
- 2. Number of adoptions processed annually.
- 3. Full Names, addresses and qualifications of persons who will arrange for international adoptions in the society.
- 4. Reasons for intending to engage in international adoption.

1. Name:

Signature:

Office held under the society:.....

Address:.....

2. Name:

Signature:

Office held under the society:.....

Address:

Date:

Regulation 26(1) (a)

THIRD SCHEDULE

Explanatory Memorandum for Biological Parent/guardian on Adoption and the Consequences of Adoption of Children

1. If the Court makes an adoption order, all your rights and duties with regard to the child will be transferred permanently to the adopters and, in law, the child will no longer be considered as your child.
2. In law, the Court cannot make an adoption order without the consent of each parent or guardian of the child, unless that parent or guardian has abandoned, persistently failed to maintain or persistently ill-treated or neglected the child, or is incapable of giving consent (for instance, by reason of being insane), or is unreasonably withholding consent or cannot be found (written evidence should be given by an authorized officer that parents can not be traced or are unreasonably withholding consent.) Therefore, unless one of these things applies to you, an order cannot be made without your consent.
3. The Court cannot make an adoption order without the consent of a child who has attained the age of 10 years.
4. Your consent shall be given in writing and signed in the presence of a witness, and cannot be given until the child is six weeks old.
5. You may either consent to adoption by specific applicants, or to adoption by any person whom the adoption society finds to be suitable for adoption placement. The applicant for adoption might be either a local resident or a person resident outside Kenya, and may include a married couple.
6. You may, if you wish, stipulate that your consent is given on condition that the child is brought up in a particular religious persuasion or cultural environment.
7. Where specific applicants have applied to adopt, either their names must appear on the form or, if they have stated that they do not want you to know who they are (as they are entitled to do), the form must refer to them by a number identifying them in the records of the adoption society or the Director of Children's Services, as the case may be.
8. Where the applicants are referred to by a number, you have no right to know who they are, but you are entitled to be given information as to what sort of people they are.
9. Once you give consent but change your mind and wish to get the child back, you shall apply to the court for leave to remove the child from the care of the would be adopters, but you shall not change your mind and withdraw your consent merely on the ground that you do not know the identity of the would be adopters.
10. You shall not change your mind and withdraw your consent once the court has made a final adoption order.

11. You shall not receive or pay any money for the adoption unless the court agrees. This does not apply to a weekly payment to an adoption society for the maintenance of your child before the child goes to the adopters. An official receipt should be issued to you for any payment made.

12. Where you have taken out an insurance policy for your child, the insurer will inform you whether after the adoption order is made, the policy may be transferred to the adopters should they wish to continue it.

Form of Certificate of Acknowledgement

To: (insert name and address of adoption society.)

I/WE HEREBY CERTIFY that I /We have received from you a memorandum headed "Adoption of Children-Explanatory Memorandum for Biological Parent/guardian", from which I/we have detached this certificate of acknowledgement;- and I/we further certify that I/we have read the memorandum and understood it as explained to me/us.

Name..... ID No.....

Address.....

Telephone..... Email.....

Signature..... Date.....

In the presence of mother/guardian in the case of a minor parent:

Name.....ID No.....

Signature..... Date.....

Regulation 29(1)

FOURTH SCHEDULE

HOME STUDY REPORT

To prepare the Home Study Report, provide information under each heading below.

Part 1: Applicants' Information

Provide information about each applicant

First name, surname, other names

Address, postal code, county, sub-county, location, sub-location

City/town, road, street

Telephone, (residence, business, cellular), e-mail

Date of birth, (year, month and day), place of birth

Marital status

Race

Health, as supported by a medical report

Education

Religion

Languages spoken

Brief family history (include parenting style, familial relationships, significant childhood experiences, views of extended family on this application)

Involvement with the Directorate of Criminal Investigations and the Directorate of Children Services (include criminal record checks, within the last 6 months for applicants and everyone aged 18 years or over living in the home)

Personality

Part 2: Family Dynamics

Describe the following:

Family composition

Previous marriages or long-term relationships

Communications patterns

Autonomy of individual family members

Ability to solve problems and handle crisis

Emotional interactions

Family traditions

Philosophy on child rearing

Modes of behaviour control

Interests and hobbies

Social support network

What arrangements have been made for alternative guardians for the child (include names, ages, education, occupation and income. Complete for international adoption only.)

Part 3: Home and Community

Describe the following:

Physical space

Safe environment assessment (include safe storage of medications)

Availability of resources

Community involvement

Contact with professional agencies

Part 4: Child Desired

Is the home study for a specific child? If yes, describe relationship and involvement with child and family of birth

Age

Male / Female/ Intersex

Race

Sibling group

Acceptable background characteristics

Acceptable special needs

Acceptability of birth family contact

Acceptability of sibling contact

Acceptability of an abandoned child with no background information

Acceptability of a child who has lived in an institution

Acceptability of legal risk placements

Compatibility of applicants and child desired

Does the assessor completing the home study agree with applicants' choices?

Part 5: Income

Describe the following:

The source and level of income and expenditures

The effect of a placement on family's finances

Part 6: Understanding and Motivation for Adoption

Describe the following:

Applicants' understanding of the legal, social, inter-racial and emotional aspects of adoption

Applicants' plans to promote child's cultural/racial/religious heritage and identity

Knowledge of the selected country (for international adoption only)

Applicants' motivation for selecting the country (for international adoption only)

Part 7: References

References (3 references for each applicant, regarding suitability - including relationship to applicant, if any, on what basis judgment is made about applicant's potential/actual parenting ability and summary of results of interview(s))

Part 8: Overview of Home Study Process

Date of personal visits (include amount of time spent at each interview and location of interview)

Persons interviewed (include confirmation that each person living in the home was interviewed separately and as a family)

Applicants' training and activities in support of their application

Part 9: Summary of Outcome of Home Study

Report prepared by Position

Date report prepared

Report reviewed by Position

Date report reviewed

Part 10: Placement Supports

Needed support and services

Arrangements for the provision of the identified support/services

Part 11: Recommendation/Approval of Assessor

Assessor Recommendation Approved

Not Approved (provide brief summary)

Opinion of the child in respect of the application (if applicable)

Opinion of the child's birth parents in respect of the application (if applicable)

This home study report is not valid until it is approved, under seal by the National Adoption Committee (for international adoptions)

Regulation 31(1)(c)

FIFTH SCHEDULE

Explanatory Memorandum for Adopters

1. Once the court makes an adoption order in, your favour, you shall acquire all rights, duties, obligations and liabilities of a parent over the child, permanently, as if the child were a child born to you.
2. All such rights, duties, obligations and liabilities of the natural parent shall be extinguished permanently.
3. The adoption order is absolute and is irreversible.
4. For purposes of the jurisdiction of any court to make orders as to the legal custody, maintenance of, and the right of contact with the child, both you and your spouse shall stand to each other and to the child in the same relation as the lawful father and mother of the child, and the child shall stand to you in the same relation as to a lawful mother and father respectively.
5. An adopted child has all the inheritance rights.
6. For purposes of any written law relating to marriage for the time being in Kenya, you, your children (if any) and the adopted child shall be deemed to be

within the prohibited degree of consanguinity and therefore cannot enter into a marriage relationship.

7. Often the child may have been through traumatic experiences and will need you to provide a caring and secure family environment.

8. The child has a right to know that he is adopted, and has a right to know about his origin as soon as the child is able to understand.

9. You may also be asked to provide other forms such as medical forms, marriage and divorce certificate, citizenship certificate, police record authorization and previous assessment for placement of children, birth certificate and other information. You shall be required to furnish the adoption society with a full size photograph taken three months prior to the making of the application. For joint applicants, a photograph of the couple shall be required.

10. An application to the adoption society does not guarantee placement.

11. The child placed with you pending adoption order may be withdrawn from you.

12. Periodic home visits and supervision will be carried out by a representative of the adoption society while the child is placed with you pending an adoption order, and that you shall inform the adoption society in case of change of address, serious illness, or death of the child within 24 hours of the occurrence of the event.

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

14. In the case of a joint application, the applicants must` be married and such marriage must have subsisted for at least three years preceding the date of application.

FORM 1

Form of Certificate of Acknowledgement

To: - (insert name and address of adoption society.)

I/We HEREBY CERTIFY that I/we have received from you a memorandum headed "Explanatory Memorandum for Adopters" from which I/we have detached this certificate of acknowledgement; and I/we further certify that I/we have read the memorandum and understood it.

Signature..... Date.....

Address.....

Telephone.....Email.....

FORM 2

Form for Enquiry on Prospective Adopter(s)

Particulars of female prospective adopter

Full names.....

Physical Address..... (attach map)

Email address.....Telephone No.....

Postal address..... Nearest landmark.....

Date of birth..... Place of birth.....

ID/Passport No.

Occupation.....

Marital status.....

Type of marriage (Christian, Islamic customary or other specify)

Form of marriage (polygamous, monogamous).....

Date of marriagePlace of marriage.....

If married, do you intend to make a joint application for an adoption order?
.....

If no, give reasons.....

Country of domicile..... Nationality.....

Race..... Religion

Immigration status.....

Length of previous residence in Kenya.....

Intended length of future residence in Kenya.....

Income per month/other sources of incomeHow far is the earning of the children living in the home included in this income?.....

PARTICULARS OF MALE PROSPECTIVE ADOPTOR

Full names.....

Physical Address..... (attach map)

Email address.....Telephone No.....

Postal address..... Nearest landmark.....

Date of birth..... Place of birth.....

National ID/Passport No.

Occupation..... Marital status.....

Type of marriage (Christian, Islamic customary or other specify)

Form of marriage (polygamous, monogamous).....

Date of marriagePlace of marriage.....

If married, do you intend to make a joint application for an adoption order?

If no, give reasons.....

Country of domicile..... Nationality.....

Race..... Religion

Immigration status.....

Length of previous residence in Kenya.....

Intended length of future residence in Kenya.....

Income per month/other sources of incomeHow far is the earning of the children living in the home included in the income?

OTHER CHILDREN IN THE PROSPECTIVE ADOPTIVE FAMILY

1.
2.
3.

Are the people living in the home in apparent good health?

What child do you wish to adopt? Age..... Sex..... RaceOther (specify).....

Would you welcome periodical visits by a representative of an adoption society for a limited period after the adoption order is made? Yes/No..... If no, give reasons.....

Give names of responsible persons who can vouch for your character' and means-

Names	Title/occupation	Address	Telephone/email
1.
2.
3.
3.....

I certify that the information given above is true to the best of my knowledge

Name..... Signature..... Date.....

FORM 3

Referee Information on Prospective Adopters - CONFIDENTIAL

Dear, (name of referee)

RE:....., (name of applicant) The above named person(s) has/have applied to adopt a child under the care of this society and have given your name(s) as a referee. Any information you care to give will be treated with strictest confidentiality. Kindly answer the questions below and return the form to us either personally or by post at your earliest convenience.

Yours faithfully, (Name & Signature)

Director, Adoption Society.

1. How long have you known the applicant(s)?
2. Are you in any way related to them? If yes, specify.....
3. Do you consider the applicant(s) suitable to undertake the care of a child not their own? If no give reasons.....

4. Is the relationship within the home happy (harmonious) as far as you are able to judge? If no give details.....
5. Do you know the religious persuasion of the applicant(s)?If yes, specify.....
6. Have the applicant(s) been convicted of any criminal offence? If yes, give details.....
7. Do you know whether the applicant(s) have a history of abusing children? If yes give details.....
8. You consider that a child placed in this home will be brought up against the background of stability and affection?
9. In your opinion, do you think there's adequate income in this household to bring up a child? Give details.....
10. Are the members of the household of good character? If no, give details.....
11. Are the adopters and members of the household in apparent good health?
12. Any other remarks that would be relevant to considering this application.....

Name..... Occupation.....
 Signature..... Date.....

VERIFICATION OF APPLICATION

1. (a) Have the particulars given under Form No CAR 6 the been verified so far as possible?
- (b) Have the particulars of the birth of the child, and of the death, marriage or separation of the parents, and of the marriage of the adopter(s) been confirmed by inspection of certificate of birth, death or marriage or the separation order?
2. Has the social worker of the adoption society interviewed the adopter(s)?
3. Has the home of the adopter(s) been inspected by the social worker?
4. Are the adopters and the members of their household of good character, have their references been taken?

5. (a) Are the adopters and the members of the household in good health?
- (b) In case of the adopters is this supported by medical evidence as set out in Form No CAR 7?
6. (a) Has the child been seen by the adopters?
- (b) Has the child been accepted by the adopter(s) with a view to adoption?
7. Has the desirability of maintaining contact with an adoption society and seeking its guidance been fully explained to the adopters?

Regulation 32(2)

SIXTH SCHEDULE

POST-PLACEMENT ASSESSMENT

Name of Applicant

Name of Child

Age of Child

I, (name), (position) a qualified person under the Children Act, 2020 have assessed the adjustment of the applicant(s) and the child to the placement of the child in the home of the applicant(s) and report as follows:

2. Describe the child's physical, mental and emotional level of development. ^[]_{SEP}
3. Describe the child's contact with any health professionals and the child's immunization program. ^[]_{SEP}
4. Describe the adjustment and bonding between the child, the applicant(s) and other family members. ^[]_{SEP}
5. Describe the home environment (including other people in the home, parenting abilities, quality of spousal relationship or adult interdependent relationship). ^[]_{SEP}
6. Describe any efforts that have been made to retain the child's cultural identity. ^[]_{SEP}
7. Describe the applicant's understanding of being an adoptive parent. ^[]_{SEP}

8. Provide comments by references regarding the adjustment of the child and the family to the adoption. [SEP]

9. Do you believe the completion of this adoption is in the child's best interests? [SEP]

(completed by) (position)

(reviewed by) (position)

Regulation 37(1)

SEVENTH SCHEDULE

Requirements for Foreign Adoption

An application for adoption by a foreign adoption society shall be accompanied by the following information on prospective adopter(s) and certified copies of their documents-

1. Passports.
2. Full size colour photographs.
3. Full size colour photographs of his/their children (if any).
4. Religion.
5. Occupation(s).
6. Birth certificate(s).
7. Birth certificates of their children (if any).
8. Marriage certificate (if any).
10. Medical certificates (including information on the fertility of adopter(s).)
11. Social enquiry report from an official agency detailing preferences of the child to be adopted.
12. Two (2) references from responsible persons preferably the local religious leader, Commissioner for Oaths, Notary Public or relevant State Department.

13. Affidavit from a reliable person(s) to take charge of the child in case of accident or death of the adoptive parents.
14. A report on financial means supported by official documents.
15. A report on fixed assets.
16. Record of convictions (if any).
17. Police Clearance Certificate or equivalent certificate of good conduct
18. Consent from competent court or government authority permitting adopter(s) to adopt a foreign child.
19. Undertaking by a foreign adopter in the manner prescribed in the Eighth Schedule.
20. Undertaking by foreign adoption society in the manner prescribed in the Ninth Schedule

Regulation 38(2) (b)

EIGHTH SCHEDULE

Undertaking by Adopters- Foreign Adoption

1. If the Kenyan court makes an adoption order, all the parental rights and duties of the biological parents in respect of the adopted child shall be transferred to us permanently.
2. We shall be required to treat the adopted child(ren) as if they were born to us in our marriage.
3. An adoption order is final and is binding during the lifetime of the child(ren) we shall adopt.
4. The adopted child(ren) shall have the right to inherit our property.
5. An adoption order cannot be recanted and we cannot thereafter give up the child(ren) owing to subsequent unforeseen behavioral or other changes in the child(ren).
6. The adoption society in our country (foreign adoption society) shall provide annual follow up reports on the progress of the child to the adoption society in

Kenya (local adoption society) for a period of three years from the date of arrival in the receiving country.

7. In order to accomplish the task in (6) above, we shall allow the representatives of the foreign adoption society to access the child(ren) at our home at any reasonable time.

WE HEREBY CERTIFY that we have read and understood the above undertaking and affix our signatures hereunder.

1. Full names.
Address
Signature
Date

2. Full names.
Address.
Signature.....
Date.....

Regulation 40(1)

NINTH SCHEDULE

Undertaking by Foreign Adoption Society

We..... (insert name of society) undertake to do the following-

1. Carry out all activities pertaining to this adoption to its conclusion.
2. Explain the requirements and legal implications of adoption of a child.
3. Investigate the prospective adopters and prepare a Social Enquiry Report.
4. Collect and collate all the requisite information for transmission to the local adoption society.
5. Prepare the prospective adopter by sharing all the materials that shall have been sent by the local adoption society on the process of adoption in Kenya together with the details of what will be required of the adopters during their stay in Kenya.
6. Confirm that the Kenyan adoption order will be respected and recognized in the receiving country and that the adopted child will gain resident status.

7. Conduct visits to the adopter's family and to furnish the local adoption society with annual progress reports on the child for a period of three years from the date of arrival in the receiving country.

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

Name of authorized official.....

Designation.....

Signed.....

In the presence of:

NOTARY PUBLIC

Regulation 45

TENTH SCHEDULE

Fees	Kshs.
(a) Issuance of a Certificate of Registration.....	5000.00
(b) To search the index of the Adopted Children Register.....	200.00
(c) For a certified copy of an entry in that register.....	200.00