REPUBLIC OF KENYA

Department of Children's Services

Guidelines for the Alternative Care of Children in Kenya (2014)

A User-friendly Handbook

2019

CONTENTS

1. DEVELOPMENT OF THE ALTERNATIVE CARE HANDBOOK

This handbook is a key tool for supporting care reform in Kenya, promoting family-based alternative care for children, and moving away from institutional care.

1.1 TARGET AUDIENCE OF THE HANDBOOK

This book is particularly written for formal and informal government practitioners: social workers, child protection volunteers, police, health workers, teachers, community health workers, child and youth workers, probation officers, and para-social workers, including:

- Chiefs, Nyumba Kumi and Village elders, and Area Advisory Councils

- Community-based organizations (CBOs), faith-based organizations (FBOs), and non-governmental organizations (NGOs) working in communities

The handbook will be widely available in various forms, including hard copies, soft copies, and online.

1.2 OBJECTIVES OF THE HANDBOOK

- Enable people to develop a better understanding of the Kenyan childcare and protection system

- Summarize the Guidelines for Alternative Family for Children in Kenya (2014)

- Outline key regional and international legislation and policy frameworks for children outside of parental care

- Highlight:

    - ✓ the right to grow up in a family environment

    - ✓ the need to prevent family and child separation

    - ✓ the challenges and problems with institutional care

    - ✓ provide and signpost practical guidance on alternative care

2. DEFINITIONS AND TERMS[1]

Aftercare support	A process whereby a variety of services are offered to children after they leave alternative care and move on to independent living or get reunified with their families.
Assessment	The process of building an understanding of the problems, needs, and rights of a child and his/her family in the wider context of the community. It should cover the physical, intellectual, emotional, and social needs for the development of the child. There are various types of assessment, e.g., rapid, initial, risk, and comprehensive.
Best interests assessment	A formal process with specific procedural safeguards and documentation requirements conducted for certain children of concern to United Nations High Commissioner for Refugees (UNHCR), whereby a decision-maker is required to weigh and balance all the relevant factors of a particular case, giving appropriate weight to the rights and obligations recognized in the United Nations Convention on the Right of the Child (UNCRC) and other human rights instruments, so that a comprehensive decision can be made that best protects the rights of children.

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[1] Definitions and terms are taken from the *Guidelines for the Alternative Family Care of Children in Kenya* (2014), pages 141–148[(unless otherwise stated).

Child	Any human being under the age of 18 years.
Child abuse	Physical, sexual, or emotional abuse; neglect and/or exploitation of someone under the age of 18 years.
Children without parental care	All children not in the overnight care of at least one of their parents, for whatever reason and under whatever circumstances.
Community-based care	A range of approaches designed to enable children to remain with their own (or extended) family and prevent the need for separation, or to be placed with an alternative family within his or her community.
Continuum of Care	A range of services and placement options for children beginning with family preservation or prevention of separation (i.e., remaining with biological parent(s) through to placement in residential care centers/facilities. Other care options included within this continuum are kinship care, temporary foster family care, long-term foster care, domestic adoption, supported child-headed households, small group homes, inter-country adoption, high-quality residential care (including orphanages), and supported independent living. A continuum should represent a wide range of options so that necessary and appropriate care is available.
Duty-bearer	Any person or institution, including the State,

	with responsibility for the welfare of a child.
Emergency placement	A situation where a child who is separated from his/her parents or other legal caregivers is placed in alternative care without going through the legal processes required in normal circumstances. The placement can either be with a family or in a children's institution.
Family-based care	Short- or long-term placement of a child in a family environment with one consistent caregiver and a nurturing environment where the child is part of a supportive family and the community.
Formal care	All care provided in a family environment which has been ordered by a competent administrative body or judicial authority, and all care provided in a residential environment, including in private facilities, whether or not as a result of administrative or judicial measures.
Informal Care	Any private arrangement provided in a family environment whereby a child is looked after on an ongoing or indefinite basis by relatives or friends (informal kinship care) or by others in their individual capacity, at the initiative of the child, his/her parents, or other person(s) without this arrangement having been ordered by an administrative or judicial authority or a duly accredited body.

3. WHAT IS A CARE SYSTEM?[2]

A child-care system is the laws, policies, and practices that promote and strengthen the capacity of families and communities to care for children, address the care needs of vulnerable or at-risk children, and ensure appropriate alternative care options are available.

Kenya is reforming its care system to:

- **Prevent** children being separated from their families by providing services that strengthen them (such as parenting programs, employment skills and training, off-school programs, healthcare, counseling, and support groups)

- **Decrease** the number of children in institutional care and increase the number in family and community-based options

- **Promote** reintegration of children

- **Ensure** appropriate family-based alternative care

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[2] Ibid., page 5.

4. WHY IS A GOOD CHILD CARE SYSTEM IMPORTANT?

- Children need long-term stable, loving, and protective care to develop and thrive. Safe and nurturing family care provides this.

- Families need to be supported and strengthened so they are able to provide safe and nurturing care for their children.

"For every year I live in a children's home, I lose 4 months of development."

- Institutional care has a negative impact on a child's social, emotional, cognitive, and intellectual development.

- Inappropriate care of children in some institutional care settings can lead to violations of children's rights. including a lack of education, sanitation, and nutrition. Children are more at risk of abuse.

- A range of alternative care options, prioritizing family-based care, can provide children with a safe and nurturing environment, even if they cannot remain with their own family.

5. WHAT IS ALTERNATIVE CARE?[3]

Alternative care is a formal or informal arrangement where a child is cared for at least overnight outside the parental home. The decision may be made by: a judicial, administrative, or duly accredited body; the child; his/her parent(s)/caregivers; or a care provider in the absence of parents.

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[3] Ibid., pages 3, 45–152.

PLACES OF SAFETY

Temporary shelter

Kinship care

Foster care

Family tracing and reintegration

Provision of range of alternative care Services

Kinship care

Foster care

Guardianship

Kafaalah

Adoption

Supported child-headed households

Supported independent living

Charitable children's institutions as a last resort

Alternative care provision should be guided by an *assessment* and *individual care plan*. The goal is to reunify the child with his/her family, if it is in the child's best interests and is appropriate. If reunification is not possible, then an alternative care placement should be selected based on the individual needs of the child. Aftercare services should be provided for children leaving alternative care.

5.1 TYPES OF ALTERNATIVE CARE

Formal/Informal Kinship Care (pages 45–49)	Kafaalah (pages 49–52)	Child-headed Household (pages 91–95)	Specialized Therapeutic Facilities (page 152)
Child is taken care of by their extended family	A Muslim voluntarily commits to sponsor and care for a child	No adult carers are available and children live on their own	Small residential care for children with additional needs
Statutory Children's Institutions (page 148)	Formal/Informal Foster Care (pages 55–66)	Supported Independent Living (pages 97–100)	Other Forms of Care
Rescue, remand, and rehabilitation institutions established by the government; children are committed by the court	Child is placed with someone who is not their parent, relative, or guardian	A young person is supported in their home/community to live independently	Child is informally cared for by a family on an ongoing or indefinite basis without administrative or judicial placement

Temporary Shelter (pages 69–72)	Charitable Children's Institutions (pages 103–112)	Guardianship (pages 75–79)	Domestic/Intercountry Adoption (page 81–89)
Safe, family-like environment where child is placed for 1 day–6 months while family reunification/alternative care arrangements made	Home or institution which has been granted approval by the NCCS to manage a program for the care, protection, or rehabilitation of children	A person is appointed by a parent or by court order to have parental responsibility for the child upon the death of the parent	Establishment of a new legal relationship between the child and his/her adoptive parents (s); adoption is a permanent-care solution

- Alternative care is needed when support to prevent family-child separation has not worked (where the child remains at risk of abuse and/or other forms of harm).

- Family-based care options are preferable as they can provide a child with a consistently loving, nurturing home environment.

- CCIs should be used only as a last resort and never used for children under three years old.

6. WHAT ALTERNATIVE CARE LEGISLATION AND GUIDANCE IS AVAILABLE ?[4]

Constitution of Kenya, 2010	Outlines the state's responsibility to protect children's rights and provide support that meets their needs
The Children Act, 2001 (currently under review as **Children's Bill, 2018**)	Outlines standards and responsibilities for alternative care such as *Guardianship Rules*, and *Foster Care Rules*
Children's Regulations (charitable children's institutions), **2005** **National Standards for Best Practices in Charitable Children Institutions, 2013**	Management of charitable children's institutions (CCIs) and children within the institutional period and exit strategy
Guidelines for the Alternative Family Care of Children in Kenya, 2014	Detailing alternative care standards and procedures
Adoption Regulations, 2005	Outlining requirements for both domestic and international adoption

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[4] Ibid., pages 9–16.

The National Plan of Action for Children in Kenya, 2015–2022	Includes alternative care under the Child Protection section, including the implementation of alternative care standards and guidelines
Guidelines for Child Protection and Case Management in Kenya, 2018	Case management referrals, responsibilities, coordination, standards, and support

7. WHAT ARE THE GUIDING PRINCIPLES OF ALTERNATIVE CARE?[5]

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Prioritize the best interests of the child	Prevent family-child separation through support services	Put the family at the center of decision-making
Children participate in decisions made about their lives	All children have their rights upheld at all times	Removal of a child from their family is a last resort
Minimize disruption to the child, keep them in the same residential area (if safe to do so), keep siblings together	Family-based care is prioritized; use of institutional care is limited	Coordination, information-sharing, and cooperation among sectors and agencies is key
All alternative care providers are registered, trained, supervised, and supported	Robust gatekeeping is in place to ensure every child's needs are met	The provision of a permanent, stable, loving, and protective home is the long-term goal

These principles are enshrined in the National Guidelines for Alternative Family Care for Children. They should always be upheld.

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[5] Ibid., pages 19–20.

8. WHY DO CHILDREN GET SEPARATED FROM THEIR PARENTS ?
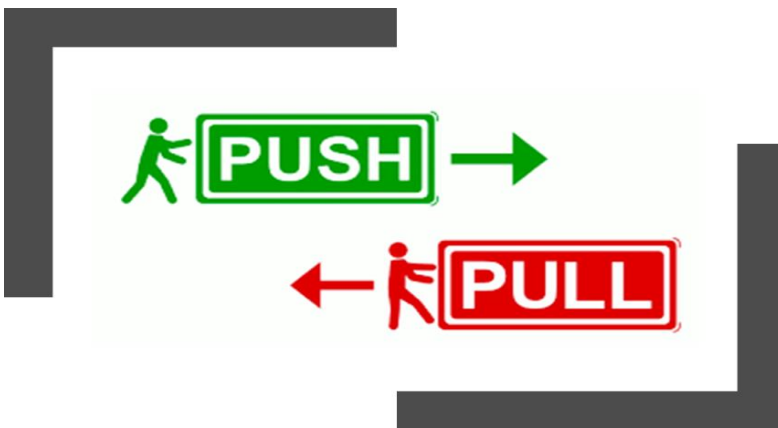
Sometimes there are factors that separate children from their parents/communities, which may include:

Push factors
- Lack of basic needs such as education, housing, and food
- Poverty or other family issues such as marital conflict
- A death, illness, or disability in the family
- Neglect/abuse or violence at home
- Natural or man-made disasters, migration, or trafficking

Pull factors
- Perception (both by parents and children) of better life opportunities outside the family home
- Access to basic needs, e.g., education and other services (through CCIs) that are attractive to poor families
- Feeling safer or more of a sense of belonging elsewhere (such as in a gang or with other young people)
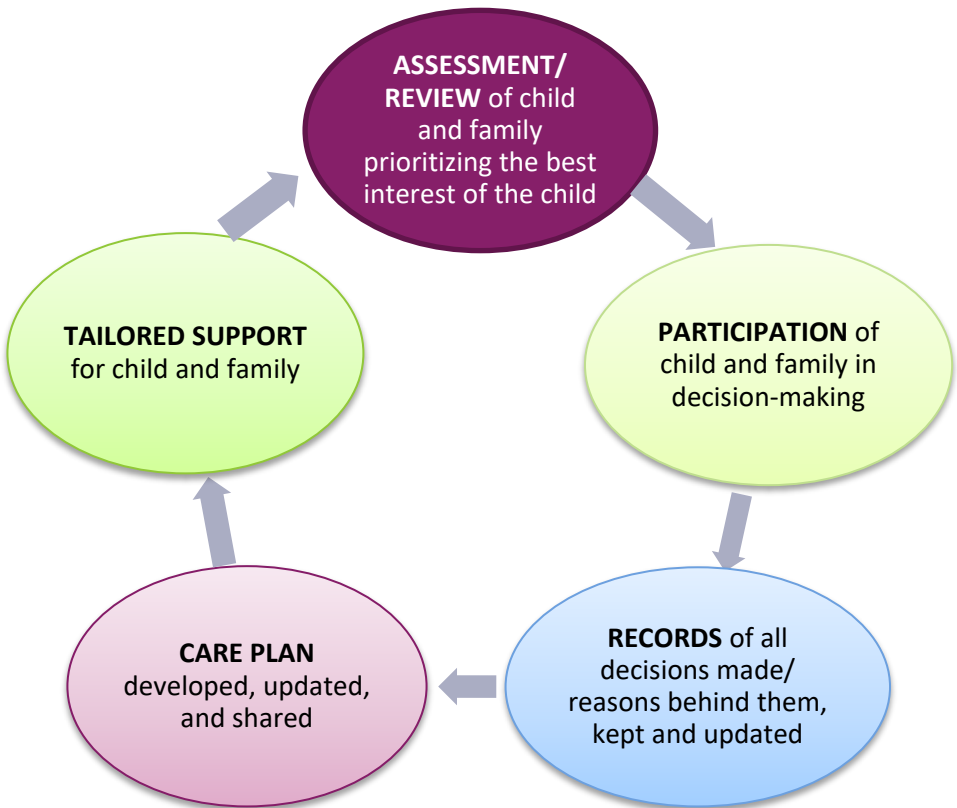
9. DETERMINING THE MOST APPROPRIATE FORM OF CARE[6]

If alternative care is deemed appropriate, authorities should ensure that the care option meets minimum standards, such as those relating to: human resources; conditions of facilities; access to basic services; contact with parents/family; and protection from violence, abuse, and exploitation. Additionally, a range of alternative care services should be available to meet the specific needs of each child. The care option for each child should be selected on a case-by-case basis, based on a care plan suited to his/her characteristics and situation, and provision should promote appropriate long-term solutions.

The paramount consideration is to ensure that decisions are based on the individual needs of each individual child and that care placement promotes stability and permanency through family reunification or provision of a stable alternative care placement.

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[6] Ibid., pages 20–21.

9.1 PLACEMENT PROCESSES

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         ASSESSMENT/
         REVIEW of child
           and family
       prioritizing the best
       interest of the child

  TAILORED SUPPORT                    PARTICIPATION of
   for child and family               child and family in
                                      decision-making

       CARE PLAN                       RECORDS of all
   developed, updated,                decisions made/
     and shared                    reasons behind them,
                                     kept and updated
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The paramount consideration is to ensure that decisions are based on the individual needs of each individual child and that care placement promotes stability and permanency through family reunification or provision of a stable alternative care placement.
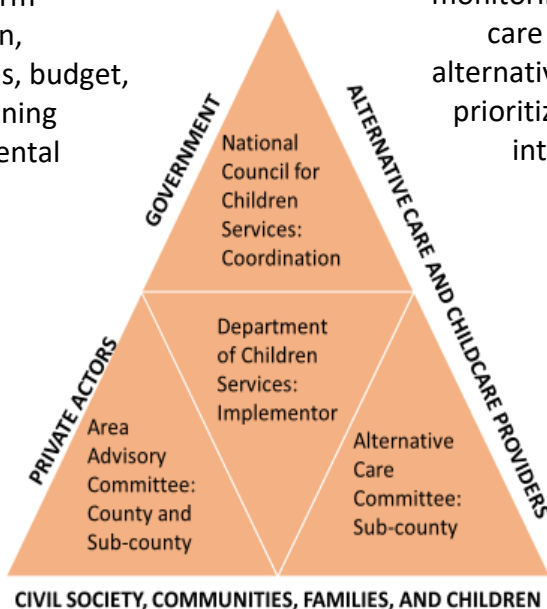
10. ROLES AND RESPONSIBILITIES[7]

National level: The NCCS has overall responsibility for care reform legislation, guidelines, budget, and assigning departmental roles.

National level: The DCS has specific responsibility for implementing and monitoring effective care reform and alternative care that prioritizes the best interests of all children.

GOVERNMENT

ALTERNATIVE CARE AND CHILDCARE PROVIDERS

National Council for Children Services: Coordination

Department of Children Services: Implementor

PRIVATE ACTORS

Area Advisory Committee: County and Sub-county

Alternative Care Committee: Sub-county

CIVIL SOCIETY, COMMUNITIES, FAMILIES, AND CHILDREN

Sub-national level: the DCS is responsible for overseeing alternative care at county and sub-county level, supporting the County Coordinator for Children's Services and Sub-county Children's Officer to reach children in families.

Everyone in society has a role to play in supporting the development of effective care reform.

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[7] Ibid., pages 23–24.

10.1 ALTERNATIVE CARE COMMITTEE FUNCTIONS[8]

The Alternative Care Committee (ACC), a sub-committee of the Area Advisory Councils (AAC), is the formal gatekeeping mechanism. The role of the ACC is to:

- Ensure children do not unnecessarily separate from their families
- Coordinate and reinforce family strengthening, alternative care services, and referral networks among relevant service providers
- Identify, recruit, and assess alternative families and keep a register of the approved alternative families
- Allocate the most suitable alternative care option when separation occurs
- Monitor the progress of children in alternative care
- Sensitize the community authorities—such as chiefs and police—on preventing separation of children and the harmful effect of institutional care to children
- Uphold the rights of all children

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[8] Ibid., page 24.
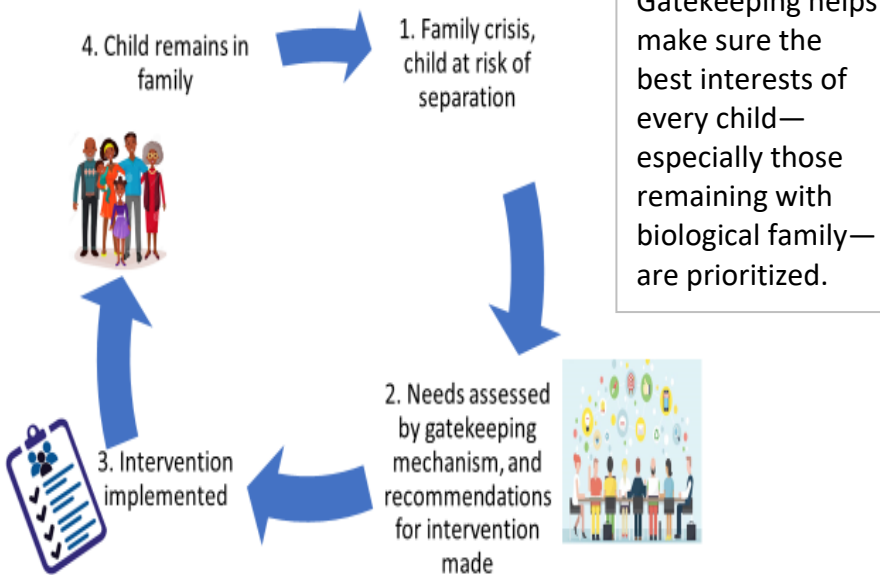
11. GATEKEEPING[9]

11.1 DEFINITION

Gatekeeping is the prevention of inappropriate placement of a child in formal care.

Placement should be preceded by some form of assessment of the child's physical, emotional, intellectual, and social needs, matched to whether the placement can meet these needs based on its functions and objectives.

11.2 GATEKEEPING TO PREVENT FAMILY-CHILD SEPARATION

4. Child remains in family

1. Family crisis, child at risk of separation

2. Needs assessed by gatekeeping mechanism, and recommendations for intervention made

3. Intervention implemented

Gatekeeping helps make sure the best interests of every child—especially those remaining with biological family—are prioritized.

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[9] Ibid., pages 29–32.

"If family and community support services were in place, it would significantly reduce the number of children deprived of care and protection in a family environment"
(Alternative Care Guidelines, page 29).

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Support services to preserve and strengthen families	Gate-keeping to ensure children's best interests are prioritized	Temporary care from extended family members is prioritized
Regular monitoring to child and family and assessments in the home	Abuse and neglect awareness to identify children at risk of harm	Appropriate (ideally family) care for children of parents in prison

12. SOME APPROACHES TO STRENGTHENING FAMILIES
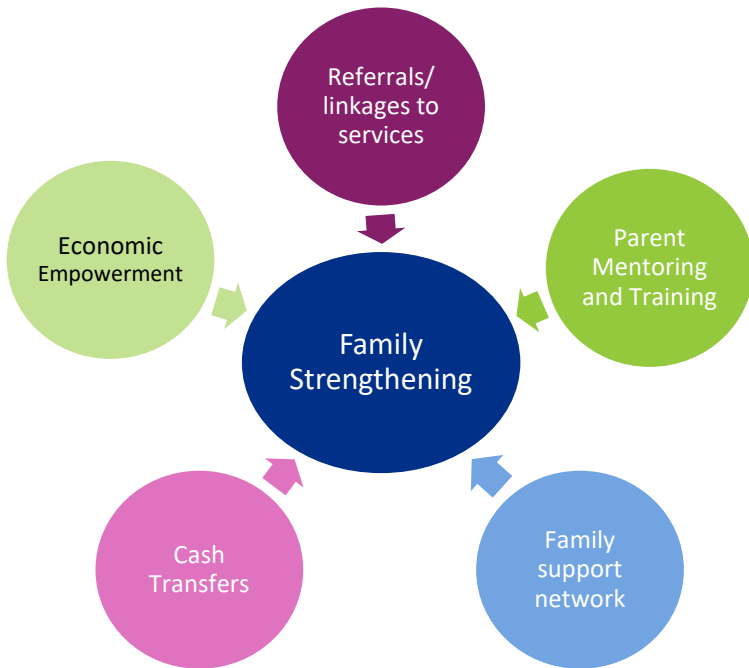
13. CASE MANAGEMENT FOR FAMILY TRACING, REUNIFICATION, AND REINTEGRATION[10]

13.1 KEY PRINCIPLES

1. Protection and safety of the child and their family is the first priority.

2. The child should be involved in all decision-making regarding reintegration and regularly updated on progress.
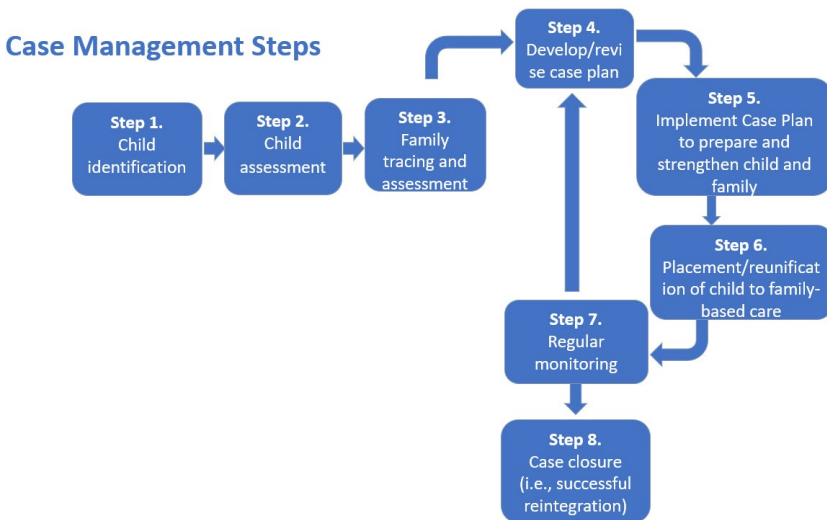
Case Management Steps

Figure. Case Management diagram (from the national Case Management for Reintegration of Children into Family and Community-based Care Case Worker Guidebook)

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[10] Ibid., pages 35–41, 161–165.

13.2 QUALITY CASE MANAGEMENT

Any good national child protection system must be able to respond effectively to individual childcare needs when they arise using a case management for:

- Accurate, holistic and up-to-date information about the child and their situation (via child assessment)

- The identification of a range of potential family-based care options (via family tracing and family assessment)

- Up-to-date information on decisions made (for example, in meetings, monitoring assessments, case review).

Reunification	Reintegration
Reunification is the act of transitioning a child back to their family of origin (children outside parenting care, including children in orphanages, foster care, and other forms of alternative care or living on the streets)	Reintegration is the process of a separated child making what is anticipated to be a permanent transition back to his or her family and community (usually of origin), in order to receive protection and care and to find a sense of belonging and purpose in all spheres of life

Case Management	Family Tracing
Case management is the process that ensures an identified child has his or her needs met for care, protection, and support. This is usually the responsibility of an allocated social worker who meets with the child, the family, any other caregivers and professionals involved with the child in order to assess, plan, deliver, or refer the child and/or family for services and monitor/review progress.	These are activities undertaken by authorities, community members, relatives, or other agencies for the purpose of gathering information and locating the parents or extended family of the separated or lost child.

It is vital to regularly monitor and follow up to ensure the family home provides a long-term stable, loving, and protective home for the child. Where reintegration is unsuccessful, an alternative care plan that prioritizes the best interests of the child will need to be utilized.
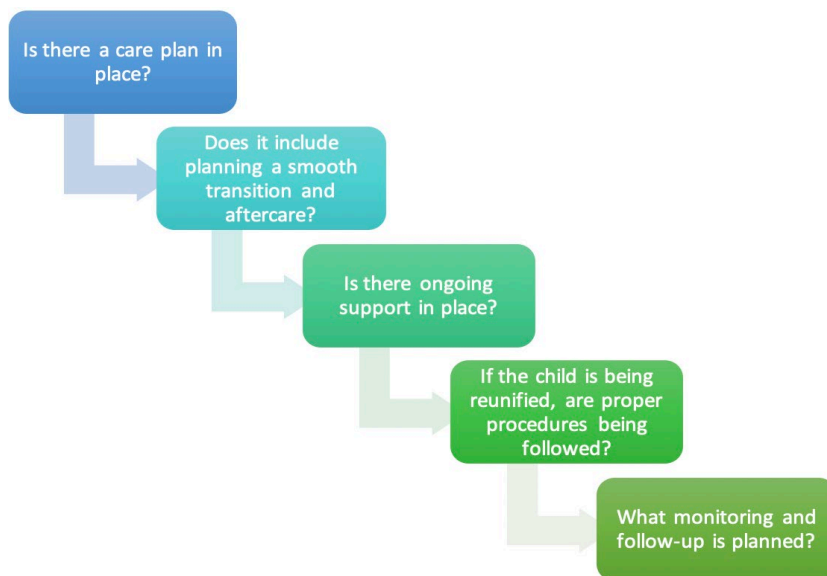
14. PREPARING A CHILD FOR LEAVING ALTERNATIVE CARE

Leaving care means a child is moving out from the current alternative care to either be reunified with their family or to start living independently. Preparing a child or young person leaving involves planning which should immediately after placement: This may include:

- Aftercare planning which should take place while a child is still in care

- It should always prioritize the best interests of the child

- Aftercare also applies to young people 18-24 years they may be in just as much need of support as someone under 18 years

Every child deserves a home, family and love.

15. MONITORING, EVALUATION, AND LEARNING[11]

Is there a care plan in place?

Does it include planning a smooth transition and aftercare?

Is there ongoing support in place?

If the child is being reunified, are proper procedures being followed?

What monitoring and follow-up is planned?

[11] Ibid., pages 115–116.

15.1 WHY MONITOR AND EVALUATE?[12]

- To ensure each child is in a stable, safe, loving and protective home environment (family setting or other alternative care)

- To continue to improve and strengthen the care system

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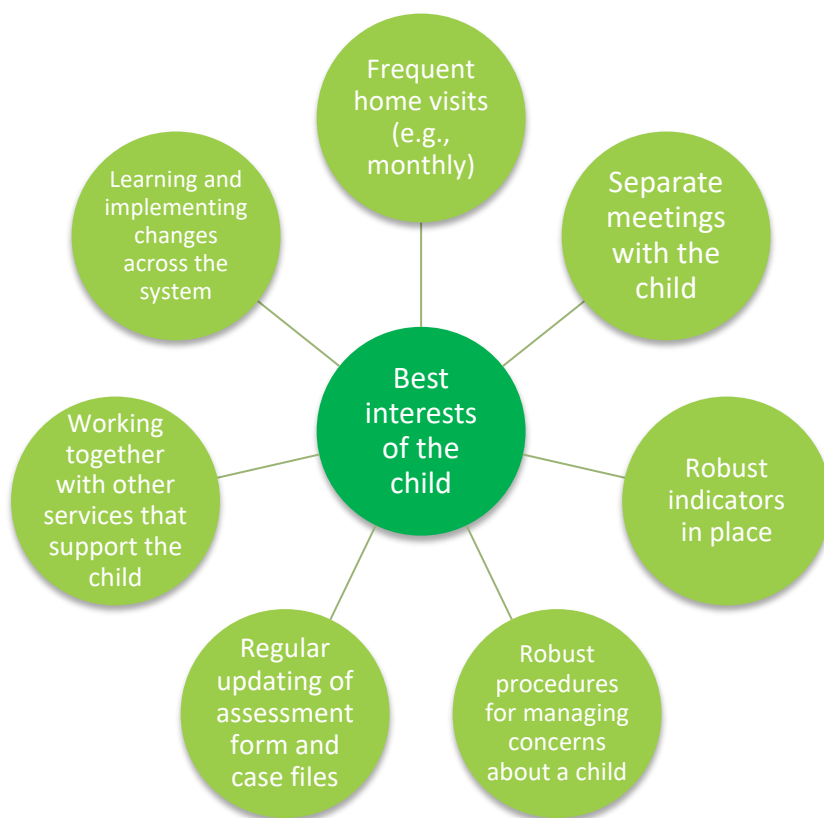
[12] Ibid., pages 40, 48, 64, 72, 79, 99, 110, 127, 135, 159.

15.2 TOP TIPS FOR MONITORING IN ALTERNATIVE CARE SETTINGS

- Monitoring interventions are best done in person by visiting the family and community. In so doing, the caseworker can attain holistic information about the child and family's wellbeing, physically verify the information, and ensure that the care decision is still in the child's best interests. Additionally, monitoring visits allow the caseworker to build a trusting relationship and put the family at ease because they are in their own environment,

- Visits should work to fully engage both children and family members in the process of reviewing goals, objectives, actions, and revisions to the plan; the success of the reintegration depends on their sense of "owning" the process.

- All areas of a child's and family's wellbeing should be monitored, as well as progress made on the case plan and any new issues that may have risen since the last visit (which can be addressed with new goals and actions added to the case plan).

- Monitoring visits can look at strengths and challenges in the family/alternative care setting and put in place support to strengthen the care the child is receiving, for example, a parenting program.

- Where the placement is temporary, plans for per should be developed.

Building safe families is everyone's responsibility.

Photo courtesy of Guidelines on Alternative Family Care of Children in Kenya, 2014

Ministry of East African Community, Labour & Social Protection
Department of Children Services

To learn more about alternative care in Kenya, contact alternativefcare@labour.go.ke

For more information about *Changing the Way We Care*, contact us at info@ctwwc.org