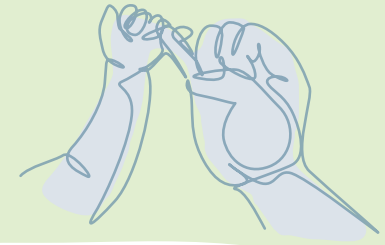


An approach to formalizing an informal alternative family care option



This case study was developed by an external evaluation team as part of the Changing the Way We Care (CTWWC) initiative's five-year evaluation. In addition to looking at CTWWC's work overall, the evaluation created cases around five select approaches which the initiative used to influence change in order to understand their effectiveness in supporting care reform and wider care sector collaboration. The information presented in this case comes from the evaluation team's analysis of key documents, monitoring data, and feedback from a workshop with key stakeholders in Kenya. The findings from this analysis are presented here to inform CTWWC's future plans and to inform wider work within the care sector. Find the additional case studies part of this evaluation and more resources on care reform from CTWWC on [CTWWC's website](#) and [Better Care Network](#).

Approach Summary: Promoting Kafaalah as a formal alternative family care option in Kenya

Since 2020, CTWWC aided in convening and mobilizing religious organizations, government officials, and local community members to promote and create structure around Kafaalah as an appropriate alternative family care option. Due to the informal operation of Kafaalah within Kenya, it has generally not been monitored by the social service workforce, increasing risk that both preparation of and follow-up on placement occurs less frequently and often does not prioritize the child's best interest in the placement process.

CTWWC defined the following three goals to guide the formalization process:

1. Raise awareness and mobilize communities to understand Kafaalah as an appropriate alternative family care option.
2. Formalize and regulate Kafaalah as a legal alternative family care option.
3. Support national dissemination of the guidance and messaging for Kafaalah as well as local implementation in key demonstration areas.

What is Kafaalah?

Kafaalah is an Islamic practice similar to long-term foster or kinship care, where individuals or families voluntarily care for a child's well-being, education, and protection as a parent would, without legal adoption or changing the child's name or inheritance rights, practices which are not religiously acceptable for most Muslims. Kafaalah can be formal, involving government structures e.g., children protection officials, or informal; and ideally provides family-based, rather than institutional, care. CTWWC and UNICEF have produced a short introduction on Kafaalah as a practice which can be read [here](#).

Relevance of this approach

Based on the evaluation team's analysis, the approach in this case study might be relevant for learning, adaptation, and application in contexts...

With these characteristics:

- Presence of strong community identity/ies (this case highlights a Muslim community)
- Operation in a country with a functioning national care system capable of widespread policy implementation
- Community engages in informal but largely positive care practices that center cultural and spiritual beliefs and values
- Readiness from community leaders and other relevant actors

Where the goal is to:

- Build equity and inclusion by formalizing existing positive practices of the community.
- Increase visibility of children in care through formal activities such as data collection, monitoring and awareness raising among relevant actors



photo by Will Baxter/CRS



photo by Anthony Nyandiek, CRS

Why CTWWC took this approach

The informal nature of Kafaalah in most countries means it often bypasses government social service oversight. This risks an absence of adequate preparation and regular follow-up and provision of additional family support services for children placed in alternative care. It may also lead to placements not based on a child's best interests. The approach to promote and create structure around Kafaalah as an appropriate alternative family care option was a path to minimize these risks so that children are legally identified, placed, monitored, and supported in safe and nurturing Muslim family environments in accordance with their own best interest.

To address the gap between religious and legal practices the approach involved those within the government's national care system and Muslim scholars and leaders. The strategy cycled back and forth between national and local community actors, ensuring that overarching frameworks were informed by and validated through local practice and that all actors were aware of and invested in national level policy creation.

Ultimately, promoting Kafaalah as a formal alternative family care option aims to increase the visibility of children in Kafaalah via ongoing data collection activities, increase the visibility and legitimacy of Kafaalah among relevant authorities, and raise awareness in local communities to the formal practice and Standard Operating Procedures (SOPs).

| The approach in practice

Based on documentation and input from stakeholders involved, the significant junctures on the journey of promoting formal Kafaalah in CTWWC demonstration areas in Kenya included:

1 Developing and validating Standard Operating Procedures (SOPs)

CTWWC participated in a government-led process that brought in evidence and input from relevant partners and care reform actors to inform SOP development of Alternative Family Care Standard Operating Procedures. Following this, relevant in-country partners such as the National Council of Administration of Justice, the Kadhis' Courts, the Directorate of Children's Services and the National Council for Children's Services collaborated on the development and validation of the Kafaalah Standard Operating Procedures for Children in Kenya.

2 Sensitizing relevant actors to SOPs and engaging local communities in data collection

Muslim leaders in Kilifi County participated in sessions around SOP sensitization and with partners documented existing Kafaalah practices and formed the Kilifi County Kafaalah steering committee. Likewise, Muslim leaders and Charitable Children's Institution managers in Kisumu, Garissa, and Mombasa counties participated in sessions around the SOPs, and Muslim leaders and enumerators were trained on Kafaalah data collection process, data entry, and analysis.



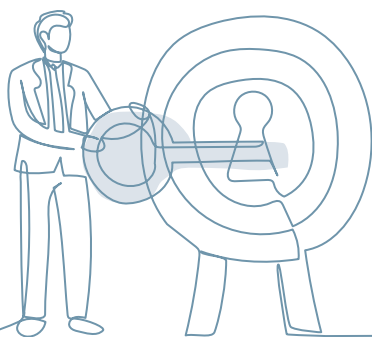
photo by Anthony Nyandiek/CRS

3 Developing and validating implementation framework

In tandem with findings from Kilifi County, Muslim leaders and partners from the SOP development process drafted the National Framework for the Implementation of Kafaalah Care for Children in Kenya which was then validated with local communities, religious leaders, and charitable children's institution representatives.

4 Continued engagement of community leaders and government actors

As the National Framework awaits final approval, additional counties are learning about the Kafaalah SOPs and helping to develop key messages for dissemination of information about the formal practice. Additionally, CTWWC provided technical support to national actors to develop reporting indicators for Kafaalah in the Child Protection Information Management System.



Effectiveness of this approach

The approach to promoting Kafaalah as a formal alternative family care option demonstrated effectiveness across the three defined goals, with significant accomplishments moving toward the identified objectives. The overall process is very much ongoing. Additional effort and involvement from both local and national level actors including the Muslim Scholars, leaders, and the Kadhis' court, is necessary to ensure the formal practice of Kafaalah as an alternative family care option will spread throughout Kenya.

Recognizing that the timeline for systems change is long and high-level objectives are not likely yet to be met in totality, in this case 'effectiveness' is used as the extent to which the approach has been successful in achieving progress toward its stated goals. Each goal and the associated accomplishments are outlined in the table. This list was generated via document review and amended and validated with CTWWC staff and stakeholders in Kenya.

Goal	Evidence of effectiveness toward this goal
Raise awareness and mobilize communities	<ul style="list-style-type: none"> Muslim leaders from three counties have participated in sessions around the work being done nationally to include Kafaalah in family care procedures. Community-based sessions developed key messages to be used in disseminating information about and promoting the formal practice of Kafaalah. A greater acceptance and open mindedness has been reported among Muslim communities to adopt this approach, with additional Islamic institutions adopting institutional Kafaalah.
Formalize and regulate Kafaalah practices	<ul style="list-style-type: none"> Developed and validated Alternative Family Care SOPs and Kafaalah SOPs for Children in Kenya. Developed the National Kafaalah Framework. Developed Kafaalah indicators now included in the national reporting system. Kafaalah recognized in the Children Act 2022
National dissemination of information, operationalization + local implementation	<ul style="list-style-type: none"> Community engagement efforts have resulted in the formation of steering committees in two demonstration counties in Kenya and two counties of influence. Data collectors have now identified at least 192 known Kafaalah sponsors and discovered new families practicing Kafaalah, as well as identified children in Kafaalah requiring support. Data collection set-up was inclusive of training on data collection processes, entry, and analysis. Muslim leaders from two counties were trained to collect data and identify children under Kafaalah care. Data indicators of Kafaalah framework were implemented in the national reporting system.

Needed Resources

The experience in Kenya demonstrated that promoting Kafaalah as a formal alternative family care option requires the following investments in cultivating connection, time allotted, and appropriate expertise.

This case study takes an approach of identifying lessons on what resources are needed for implementation with the aim of providing information on the affordability of this approach. Resources needed are likely to change over time, and the cost of transitioning to a new approach or system may be much different than what is needed to sustain that approach



Relationships

- Collaboration on multiple levels between religious leaders, state and non-state agencies
- Relationships at the family and community level, including engagement and trust of Islamic leaders- these relationships took the most time and care to build



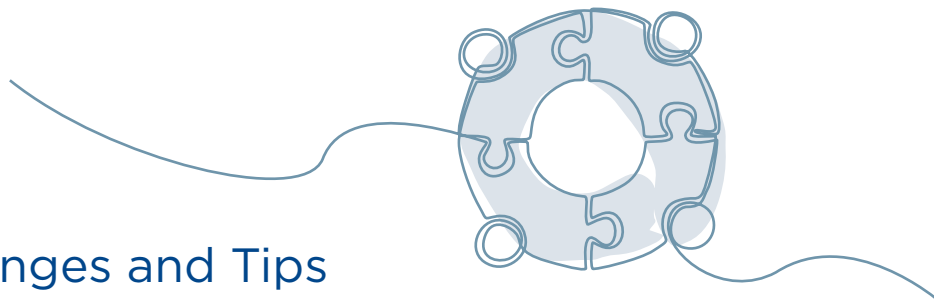
Time

- Timeline that allows for data collection to inform the development of procedures, framework and implementation
- Allotting time for development and validation in communities, as well as approval through official government channels
- Most importantly, a timeline that creates space for awareness-raising among local communities to gain buy-in across relevant local actors



Expertise

- Trainers to engage male and female community leaders on Kafaalah data collection and analysis
- Technical support to identify and incorporate reporting indicators and evaluate the approach as it is implemented
- Consultation from justice sectors, including religious and national legal structures, Muslim scholars, and national coordinating bodies
- Continuous capacity and engagement in local steering committees



Challenges and Tips

The following were challenges noted by stakeholders involved in the implementation of this approach, as well as the actions they took or would recommend taking to help overcome these obstacles.

Challenge: Navigating existing practices and competing beliefs

- Weighing legal versus religious frameworks and coming up with shared language
- Lack of documentation, information about, and interest in an informal practice
- Winning hearts and minds to generate buy-in and disseminate knowledge around changes to existing practice

Tips:

- **Ensure engagement of both government and non-state actors during the process:** Require a balance in representation of and relationship building with both Muslim religious leaders and scholars, the national government, and local government actors.
- **Invest in understanding different perspectives:** Consideration of alternative perspectives promotes trust and open-mindedness, moving toward a more cohesive change process and shared understanding.
- **Create mechanisms, trust, and skill to collect feedback from those practicing Kafaalah both formally and informally:** An enabling environment is needed in which to document and collect data to bridge the gap between informal and formal practice.

Lessons learned

This case offers the following key points for consideration in future replication or adaptation:

- Key to an approach of promoting Kafaalah as a formal alternative family care option is having an existing national care system within which to integrate.
- Relationship and awareness building among relevant actors is foundational for establishing buy-in and shared understanding of purpose, language, and goals.
- Leveraging a community's strengths promotes equity and inclusion, the preservation of cultural, linguistic, and spiritual practices, and prioritizes the best interest of the child.
- Ongoing awareness raising and continued resourcing of an approach to promote Kafaalah as a formal alternative family care option will increase confidence and assist in normalizing and spreading formal practices.

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References

- United Nations General Assembly. (24 February 2010). *Guidelines for the Alternative Care of Children: resolution adopted by the General Assembly, 2009*.
- Changing the Way We Care. (26 August 2022). *Promoting Kafaalah as an Alternative Family Care System within the Muslim Community*.
- United Nations Children's Fund (UNICEF). (February 2023). *An Introduction to Kafalah*.
- Changing the Way We Care - Year 5 Evaluation. (July 2023). Kenya Peer-to-Peer Site Visit.

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Contact Changing the Way We Care at info@ctwwc.org
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