



KISII UNIVERSITY
UNIVERSITY EXAMINATIONS

THIRD YEAR EXAMINATION FOR THE AWARD OF THE
DEGREE OF BACHELOR OF LAWS
SECOND SEMESTER, 2023/2024
(JANUARY-APRIL, 2024)

LLBK 327: CHILDREN AND THE LAW

STREAM: Y3 S2

TIME: 2 HOURS

DAY: FRIDAY, 12:00 – 2:00 P.M.

DATE: 12/04/2024

INSTRUCTIONS

- 1. Do not write anything on this question paper.**
- 2. Answer Question ONE and any TWO other Questions.**
- 3. Illustrate your answer with relevant cases and statutory provisions where applicable.**

QUESTION ONE

In 2022, the President of Kenya signed the Children Bill 2022 into law. The new Act replaced the 2001 Children Act, and introduced many new legal provisions. Part III of the new Act provides for parental responsibility in situations where biological parents are not married.

- a) Critically discuss some of the new provisions and the implications they have on legal practice. (15 marks)
- b) Discuss and illustrate a step to step process of determining the best interests of a child in cases where parents are in disagreement over parental roles and responsibility. (15 marks)

QUESTION TWO

Angel is a young, single, independent business woman who travels around the world in pursuit of her endeavours. Of late, she has been feeling lonely and is considering having a family. Without a husband of her own, she is considering to adopt at least two children; a boy and a girl. She has come to you a seasoned

children's rights lawyer for advice. Write a memo detailing the requirements and process of adoption in Kenya and whether she is eligible. (20 marks)

QUESTION THREE

You are the chairperson of the Anti-FGM board in Kenya. You have been invited to the Child Summit 2024 to educate University students on the types, effects and illegality of FGM and related harmful cultural practices in Kenya. Write a report and make a presentation on the same.

(20 marks)

QUESTION FOUR

Critically discuss how the 1989 United Nations Convention on the Rights of the Child compares to the 1990 African Charter on the Rights and Welfare of the Child.

(20 marks)

QUESTION FIVE

You are one of the children's officers in Kisii law courts. The magistrate of the court has tasked you to organize an open day for the community in which you can educate the public on juvenile delinquency. Draft a presentation on this issue. Discuss the age of criminal responsibility, the legal consequences of juvenile delinquency and the relevant correctional facilities in Kenya.

(20 marks)