



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

ADOPTION CAUSE NUMBER 13 OF 2019

IN THE MATTER OF ADOPTION OF (Minor) INM a.k.a. JM a.k.a. IW

LWKAPPLICANT

R U L I N G

1. By a letter dated 11th September 2017, LWK wrote to KKPI Adoption Society seeking to adopt two (2) girls aged between six (6) months and one (1) year.

2. Upon receipt of the application KKPI Adoption Society conducted an interview and made a home visit to her residence. The applicant also supplied the requisite documents. This is the list:

- i. Photographs of the applicant 3 copies (full length and coloured).*
- ii. Application letter to the Adoption Society.*
- iii. Letter from (proposed legal guardian + ID).*
- iv. Copies of national identity cards or passport.*
- v. Copies of applicants birth certificates.*
- vi. Copy of marriage certificate (where applicable).*
- vii. Copy of passport and work permit (for the male applicant)*
- viii. Copies of most recent payslip(s) and letter from place of employment.*
- ix. Business permit (where applicable)*
- x. Return the medical form duly filled and signed by medical practitioner.*
- xi. Copy of most recent bank statement (Last six months).*
- xii. Reference letter from your religion of affiliation.*
- xiii. Copies of land title deeds, share certificates or any proof of ownership of assets and property.*
- xiv. Certificate of good conduct.*
- xv. Letter from a family member and another from a friend supporting the adoption.*
- xvi. Birth certificate of biological child(ren).*

(3) Upon full assessment, KKPI in their case committee sitting of 30th August 2017 found her suitable prospective adoptive parent. This

was communicated to her vide a letter dated 17th January 2018.

(4) With regard to the child, KKPI filed a one-page report stating simply that the child “*was freed by Kenyans to Kenyans Peace Initiative Adoption Society Case Committee sitting on 2/2/2018*”. The report went on to claim that the baby was born on 19th May 2017 and abandoned by the mother at Mutithi Health Centre in Kirinyaga. The mother reported to **Mwea Police Station** vide OB [...] and the child handed over to the children officer **Kerugoya** on 17th July 2017. The child was committed to New Life Home Trust Nyeri on the same date by the **Children’s Court at Nyeri** vide **Protection and Care (P & C) Case Number 11 of 2017**. On 17th January 2018, the **Wang’uru Police Station** issued a letter to effect that no one had gone to claim the child. On 19th March 2018 the child was placed in the care and custody of the applicant.

(5) I heard the oral testimony from the applicant and the proposed legal guardian. I also saw the Children Officer’s Report from the Director of Children Services.

(6) However, on perusal of the file, none of the requisite documents for freeing the child for adoption is in the file. The only available information is about the applicant, the guardian *ad litem*, and the legal guardian.

(7) Regarding the child, there is no;

1. Handing over letter from Our Lady of Lourdes Mwea Hospital.
2. Children’s Officer Report from Kirinyaga Central Sub County Children’s Officer
3. Admittance form to New Life Home Trust Nyeri.
4. Sub County Children Officer’s Report for committal
5. Committal order
6. Initial Police report from Wang’uru Police Station
7. Final police report from Wang’uru Police Station
8. Final Letter from Kirinyaga Central Sub County Children Officer
9. Birth Certificate

Without these documents, there is no evidence that the child was actually declared free for adoption when the certificate was issued.

(8) Without them I cannot make final orders, and I direct that the same be availed.

(9) The guardian *ad litem* has also not filed her report.

ORDERS:

1. The Deputy Registrar to contact the firm of Muchiri Gatheca & Company Advocates and the KKPI Adoption Society to avail the documents.
2. The guardian *ad litem* to file her report.
3. Mention on 28th May, 2020 to confirm compliance and for directions.
4. Parties at liberty to seek online mention.

Delivered, Dated and Signed at Nakuru 23rd April 2020.

Mumbua T. Matheka

Judge

In the presence of: -

Via Email with Consent of Muchiri Gatheca counsel for the applicants

Edna Court Assistant