

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

(FAMILY DIVISION)

ADOPTION CAUSE NO. 95 OF 2016

IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY L P

RULING

1. The applicants, D L M and W W L, are Kenyan citizens. They are a married couple. They seek to adopt Baby L P. Their Originating Summons is dated 13th July 2016. The matter was heard on 9th March 2017 and thereafter reserved for judgement.

2. In the course of preparing the judgement, it came to my notice that the abandonment of the child was never reported to the regular police, part of whose core duty is to conduct investigations. The report was made to the Administration Police. Ideally, the Administration Police should have handed over the matter to the Kenya Police. I have also noted that there is no final police record stating that the police had reached a point where they were no able to trace the relatives of the child.

3. I am reluctant to make final orders in the matter until I am satisfied that this matter was reported to the relevant police authorities, and that those authorities did conduct investigations, which did not bear any fruit. Indeed, before the child is cleared for adoption, it must be established beyond doubt that the parents and other immediate relatives of the child could not be traced. An adoption order is final and irreversible. It is imperative that the applicants must satisfy the court that the child had actually been abandoned and the police, whose duty it is to look into such matters, have been unable to trace the child's relatives.

4. I shall not prepare judgement herein until there is proof that the police had carried out investigations, and were eventually unable to trace the parents of the child in question.

DATED, SIGNED and DELIVERED at NAIROBI this 19TH DAY OF MAY, 2017.

W. MUSYOKA

JUDGE