



INTERNATIONAL ADOPTION PROCEDURES

Your co-operation in following these guidelines will be appreciated as they aim at ensuring that the best interests of the Kenyan children are protected and failure to comply may lead to the process being terminated. They are in compliance with the Kenyan Laws governing adoption and the rights of children.

All international adoption applications **MUST** be submitted through a Registered Adoption Agency in the receiving country, to a Registered Adoption Agency in the sending country (Kenya).

All foreign adoption societies **MUST** be approved by the Kenyan Adoption Committee before they commence operations.

The regulations require inter-agency co-ordination and co-operation.

Adoption requirements in Kenya¹:-

- The applicants **MUST** be aged between 25-65 years at the time of submitting application and **MUST** be at least 21 years older than the child.
- Joint applicants **MUST** be married to each other for at least **THREE (3) YEARS.**
- Single foreign applicants may not apply for adoption unless under special circumstances
- The child to be adopted **MUST** be at least 6 weeks old and resident in the Republic of Kenya.

A. Investigations by authorized bodies in receiving country.

The adoption applicants have to meet the procedures in their home country before submitting their application to Kenya via an Adoption Agency. The couples must be assessed by competent bodies/ministries and criminal records must be checked before approval. Comprehensive medical examinations must be carried out including HIV status, and fertility checks.

The financial status of the applicants and their suitability to bring up a child shall be evaluated.

The couple **MUST** also undergo pre-adoption counseling in preparation for the big task ahead of them. These counseling sessions shall cover the adoption process, length of time, challenges to expect, the backgrounds of the children to be adopted etc.

¹ As stated in the Children's Act CAP 586 Laws of Kenya. Sections 154 to 183

B. Documentation

An application form for adoption shall be filled by the applicants through the Foreign Adoption Society. The following documents must be submitted with the application:-

- Passport copies
- 3 full size colour photographs
- 3 full size colour photographs of their children (if any)
- Copies of Birth Certificate(s)
- Copies of Birth Certificate of their children (if any)
- Copies of Marriage Certificate (if any)
- Medical Certificates (including information on fertility of adopters and HIV status)
- Social enquiry report from an official agency detailing preferences of the child to be adopted
- Two (2) references from responsible persons preferably the local Religious leader, Commissioner for oaths, Notary public or relevant government department.
- Affidavit from a reliable person(s) to take charge of the child incase of death or incapacitation of the adoptive parents
- A report on financial means supported by official documents e.g. latest pay-slips, bank statements etc.
- Letter from employer indicating duration of contract and remuneration
- Religious affiliation of applicants
- A report on fixed assets
- Record of convictions (if any)
- Certificate of good conduct
- Consent from competent court or government authority permitting adopter(s) to adopt a foreign child
- Undertaking by a foreign adopter in the manner prescribed in the eleventh schedule.
- Undertaking by foreign adoption society in the manner prescribed in twelfth schedule.
(see attached form r. 25)

NOTE: All documents submitted by a Foreign Adoption Society MUST be notarized or authenticated by the Ministry responsible for foreign affairs in the receiving country. Any documents in any language other than English must be translated.

C. FORMAL APPLICATION TO KENYAN ADOPTION AGENCY

The Foreign Agency **MUST** ensure that all the documents required are in place before forwarding the application to the Kenyan Adoption Agency. Upon receipt of an application for adoption from a Foreign Adoption Society, The Kenyan Agency shall forward the same to the Kenya Adoption Committee within **thirty (30) days** from date of receipt.

D. THE KENYAN ADOPTION COMMITTEE

This is the Central Body governing all adoptions in the country. This committee shall consider applications for International Adoption and shall either approve or reject it. The decision shall be communicated to the Local Adoption Society within **thirty (30) days** from the date such a decision is made.

E. COMMUNICATION OF APPROVAL

Where an approval for adoption is granted, the Local Adoption Society shall communicate the same to the Foreign Adoption Society within **sixty (60) days** from the date of receipt of the approval.

This will be accompanied by:-

- a) A brief report on the children available for adoption at the time, who match the adopters' preferences
- b) Information about the approximate length of time that the adoption process may take
- c) Relevant costs involved in the process
- d) A copy of the undertaking to be signed by the Foreign Adoption Society before conclusion of the adoption process.

F. REJECTION

Where an application is rejected, it shall be communicated to the Foreign Adoption Society within **sixty (60) days** from the date of receipt of such a rejection by the Local Adoption Society giving reasons for the rejection.

G. APPEAL

In case of rejection of an adoption application by the Kenyan Adoption Committee, a Foreign Adoption Society may submit another application for adoption within six months from the date of rejection of the previous application.

H. TRAVEL (TO KENYA)

Upon receiving communication of approval, the Foreign Adoption Society will arrange for the prospective parents to travel to Kenya within **three (3) months** from the date of receipt.

I. ARRIVAL IN KENYA

Upon arrival in Kenya, the Local Adoption Society shall receive the applicants and direct them to suitable accommodation/residence. The accommodation conditions must be assessed for suitability. (This involves a home visit by a Social worker employed by the Local Adoption Society).

J. PRE-PLACEMENT COUNSELING

Before placement with a child the applicants **MUST** undergo a **three (3) hour** compulsory pre-placement counseling/training in preparation for receiving the child. This shall be done by a counselor attached to the Local Adoption Society

K. PLACEMENT

The applicant /s will then be directed to the child/ren already identified for them. A two week familiarization period is recommended while the child is still in the home. The child is then placed in the care of the prospective parents and a care agreement form is signed.

L. FOSTER PERIOD

Upon placement with a child for adoption at least one of the prospective parents **MUST** reside in the country (Kenya) for **three (3) consecutive months** with the child.

M. FOLLOW-UP/SUPERVISION

During the three month fostering period, follow-up visits will be carried out to assess the bonding and adjustment of both the child and the prospective parent(s).

The visits will be carried out as follows:-

- **1st Follow-up:-** one month after discharge of the baby. Conducted at the Local Adoption Society's office.
- **2nd Follow-up:-** Two months after discharge of the baby. Conducted at the Local Adoption Society's office.
- **Final Follow-up:-** three months after discharge. It **MUST** be conducted at the applicant's home- to observe the adjustment of the child in the home environment.

NOTE: The relevant Children's Home will also conduct their independent follow –up visits on agreed intervals e.g. fortnightly, monthly etc.

N. LEGAL PROCESS

If the prospective adopter(s) complete the placement period successfully the Local Adoption Society will assist them in identifying a suitable lawyer to represent their case in court. The legal process involves three (3) hearings (but could be more). Both applicants and the child **MUST** be present for the court sessions.

A **Guardian ad litem** (Friend of the child) will also be appointed by the National Adoption Committee to safeguard the interests of the child in the course of the court proceedings.

Where an adoption order is granted, the Local Adoption Society shall notify the foreign Adoption Society within **seven (7) days** from the date of the order is made.

O. ADOPTION CERTIFICATE

This document will be issued by the Registrar of Births and Deaths once the Adoption Orders are granted. It replaces the Birth Certificate. Therefore, the adoptive parents may only get a copy of the Birth Certificate (if available) but not the original. The process of obtaining an Adoption Certificate may take 3-5 working days.

P. TRAVEL DOCUMENTS

These include:-

- Adoption order and Adoption Certificate
- Clearance letter from the Kenyan Department of Children's Services-Ministry of Home Affairs to allow the child to leave the country
- Travel documents(not Passport) issued by Immigration Department-Kenya
- Visa- to be issued by receiving country's Embassy in Kenya

The Local Adoption Society shall assist the adoptive parents obtain these documents from the relevant authorities.

Q. TRAVEL WITH THE CHILD

Adoptive parents can only leave the country with the child once the Adoption Order is granted and all the above mentioned documents are issued. The parents should contact the Local Adoption Agency if they need assistance with booking of the flight ticket.

R. POST-ADOPTION PROGRESS REPORTS

The Foreign Adoption Society **MUST** send reports on the progress of the adopted child to the Local Adoption Society. These reports must be submitted **once every three months** during the first two years from the date of making of an Adoption Order, and annually thereafter for three years.