



**In re Baby TB (Adoption Cause E007 of 2023)
[2023] KEHC 23162 (KLR) (28 September 2023) (Judgment)**

Neutral citation: [2023] KEHC 23162 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MACHAKOS
ADOPTION CAUSE E007 OF 2023
MW MUIGAI, J
SEPTEMBER 28, 2023
IN THE MATTER OF CHILDREN ACT 2022
AND
IN THE MATTER OF BABY TB**

IN THE MATTER OF

**MOO 1ST APPLICANT
BCR 2ND APPLICANT**

JUDGMENT

1. The Applicant, M O O – ID No xxxxxxxx and B C R - ID No xxxxxxxx (“the Applicants”) sought by their application to be allowed by this Court to adopt Baby T B (hereafter “the child”).
2. Vide Originating Summons application dated March 16, 2023 the Applicants sought among other orders, the requirements of Section 186 (8) (a) of the [Children’s Act 2022](#) be waived as provided for under Section 187 (1) of the Act that; C K K be appointed Guardian Ad Litem in this case; that the Applicants be authorized to adopt baby T B M; E O O and L A M be appointed as the legal guardians of the child; the Director of Children’s Department to investigate the case and file a report; the Registrar General be ordered to make in the adopted Children’s register and entry recording the adoption in accordance with the particulars set out in the schedule attached hereto. C K K ID No xxxxxxxx was appointed as the Guardian Ad Litem on May 17, 2023.
3. The Applicants herein M O O and B C R are residents of Athi River within Machakos County. They are husband and wife - married on July 21, 2016 as per attached copy of marriage certificate Serial Number 2xxxx9. The 1st Applicant is an Accountant by Profession while the 2nd Applicant is a Logistics specialist by profession. The Applicants annexed the following documents in support of their application ;Marriage CertificateCare agreementApplicants copies of Identification cardsPolice clearance CertificatesGuardian’s letter of Consent and their copies of IDsApplicants medical reports



4. The child (T B) who is the subject of the present adoption proceedings was presumably born on April 18, 2020. He was abandoned by his mother, one J A after birth on April 20, 2020. The matter was reported at Ruiru Police Station by one A W M of Phone No 0xxxxxxx5 where the case and booked vide OB Number 44/20/04/2020. On April 22, 2020 Ruiru Police Station issued the initial letter addressed to Limuru Children's Centre. The letter confirmed the child's abandonment and requested the home for temporary custody as they conducted a further investigation to know the whereabouts of the relatives or the mother. On April 22, 2020, Ruiru Sub-County Children Officer issued a letter addressed to Limuru Children Centre. The letter confirmed the child's abandonment and sought assistant for the child at Home as the matter is being investigated. The child was admitted on April 22, 2020. On August 26, 2020, Ruiru Sub-County Children Officer wrote a report addressed to the Chief magistrate Thika Law Court. The report confirmed the child's abandonment and recommend the child be committed to Limuru Children's Centres for Care and Protection for a period of three (3) years vide Care and Protection No 49 of 2020 for three years. On February 22, 2022 Ruiru Police Station issued a final police letter stating that investigations were carried out and efforts to trace the child's parents were in vain. On March 30, 2020 Little Angels Program Officer tried to reach A W M of Phone number 0xxxxxxx5 however the number was out of service. The child was officially admitted to Limuru Children's Centre on April 22, 2020. The Little Angels Network Case Committee in a meeting held on 6/04/2022 declared the child Free for Adoption vide Certificate Declaring Child Free for Adoption Serial No 002xxx.
5. The following documents were availed from Little Angels Network Adoption Services for baby T B.
 1. Child's Declaration Certificate bearing serial number 002xxx dated April 6, 2022.
 2. Initial Police letter dated April 22, 2020.
 3. Sub – county office letter to Limuru dated April 22, 2020
 4. Admission from dated April 22, 2020
 5. Sub-County Office report to court dated August 26, 2020
 6. Court Committal dated August 27, 2020 C&P No 49/2020
 7. Limuru Children's Centre letter to Police dated January 24, 2022
 8. Final police letter dated February 22, 2022
 9. Medical particulars
 10. Care agreement dated July 18, 2022
 11. Pre-placement report
6. Pursuant to Section 186 of the [Children Act 2022](#) of the Children Act, Buckner Kenya Adoption Service Adoption Services, the relevant Adoption Society, prepared and filed in Court a favorable report in respect of the proposed adoption of the child by the Applicants. Another report in respect of the proposed adoption of the child by the Applicants was prepared by the Director of Children's Services, and this report was similarly in favor of the proposed adoption. The Guardian Ad Litem, C K K also filed the statutory report in which she noted that the proposed adoption of the child by the Applicants would be in the best interests of the child.
7. The Little Angels Network filed their report dated November 3, 2021. Mr Joshua Wambua of the Little Angels Network appeared in Court on February 8, 2023 in respect of this Adoption. He stated that



the child was declared Free for adoption by Buckner Kenya Adoption Services on April 6, 2022 vide Certificate Declaring child free for Adoption Serial No 002xxx. The child was placed in the Applicants care on July 18, 2022 and the three (3) months report done. The child has bonded very well with the Applicants. The Agency report contains family and professional background information of the Child's Adoptive Parents.

8. According to the Report the Applicants made an adoption application to Little Angels Network on September 21, 2021 and it was their 1st adoption. The Applicants do not have any biological child. The Applicants were married on July 21, 2016 vide serial No 205xxx. The Prospective adoptive father works as an Accountant at [particulars withheld] earning a net salary of kshs 46,000/ while the Prospective adoptive Mother works as a Logistics Specialist at [particulars withheld] earning a net salary of Kshs 79,000/-.The Applicants lives in their own four bedroomed house at[particulars withheld]. The Applicants owns a car, house, lands [particulars withheld], [particulars withheld], [particulars withheld] and [particulars withheld] Kombewa. The applicants are of good conduct vide police Clearance Certificates Nos PCC-MOT29xxx and PCC-QPTVxxx dated January 27, 2021 and March 22, 2021 respectively. The Applicants are Christians – they fellowship at [particulars withheld] Good Shepherd church. They are of good health vide Doctors Report dated August 15, 2021. The Applicants motivation for adoption is to provide a child with a home, basic needs and expand their family. The Little Angels Network Case committee sitting on November 3, 2021 recommended the Adoption.
9. The Director of Children Services through a Report dated June 2, 2023. Mercy Muli - Athi River Sub County Children Officer appeared in Court on July 10, 2023 in respect of the proposed adoption of the child by the Applicants. She told the Court that she visited the Applicants home and observed that the child (T B) is well taken care and the bond between the child and the Applicants is quite strong. The Applicants are financially and economically stable. The extended family is supportive of the adoption. According to the Report, the Applicants herein are both employed. The Applicants live in their own home at Kitengela and have a house help. The home environment is conducive and suitable for a child to live in. The Applicants owns several assets in Nakuru, Malaa and Kitengela. They recommended the adoption.
10. The Guardian Ad Litem, C K K filed her Report dated May 17, 2023 in support of these Adoption proceedings. She stated that she have known the Applicants for a period of over 10 years. The Applicants do not have a child of their own. The Applicants have bonded well with the child and are taking good care of him as well under the Christian values. The Applicants immediate and extended family are in support of the Adoption and have fully welcomed the minor as part of the family. The Guardian Ad litem recommended the adoption.
11. The Legal Guardians E O O and L A M of Identification Card Numbers xxxxxxxx and xxxxxxxx respectively (brother and sister in law to the 1st Applicant) filed their consent sworn on March 16, 2023.
12. All the Statutory reports that have been filed in respect of the proposed adoption of the child by the Applicants have recommended that this Court allows the adoption of the child. This Court has evaluated the facts of this adoption. This is a local adoption. It is evident that the Applicants has fulfilled all the legal requirements relative to the adoption of the child.
13. The home visits by the guardian ad litem, the Adoption Society and the Director of the Children's Services established that the Applicants are financially and socially stable and have emotional capability to provide for the upkeep and education of the child and give parental care. This Court observed the Applicants with the child in Court and it was evident that in the period that the Applicants have had the custody of the child, the child has bonded well. The child considers the Applicants to be his parents.



Disposition

1. On the basis of a careful examination of the documents presented before this Court as well as the observations made therein, this Court has formed the opinion that it would be in the best interest of the child to be adopted by the Applicants. Hence, this Court allows the Applicant's application.
2. The Applicants, M O O and B C R are hereby allowed to adopt Baby T B.
3. Henceforth, the child shall be known as T B M.
4. The child's date of birth is April 18, 2020 and the place of birth shall be Ruiru.
5. The child is a Kenyan Citizen by birth and entitled to all rights of a Kenyan citizen.
6. E O O and L A M shall be the Legal Guardians of the child should such eventuality arise.
7. This Court directs the Registrar General to duly enter this order in the Adoption Register.
8. That the Directorate of Children Services to carry out supervision on the said adoption and file a report on the ongoing safety/security within one year of the Adoption in the best interest of the child Section 8 of *Children's Act 2022*.
9. The Guardian ad litem is hereby discharged.

It is so ordered.

DELIVERED SIGNED & DATED IN OPEN COURT AT MACHAKOS THIS 28th DAY OF SEPT 2023 (PHYSICAL/VIRTUAL CONFERENCE).

M. W. MUIGAI

JUDGE

IN THE PRESENCE OF:

NO APPEARANCE - FOR THE APPLICANTS

PATRICK/GEOFFREY - COURT ASSISTANT(S)

