



**In re VT alias RTO (Baby) (Adoption Cause E001 of 2023)
[2023] KEHC 23996 (KLR) (25 October 2023) (Judgment)**

Neutral citation: [2023] KEHC 23996 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NANYUKI
ADOPTION CAUSE E001 OF 2023
AK NDUNG’U, J
OCTOBER 25, 2023**

IN THE MATTER OF

**EOO 1ST APPLICANT
JAO 2ND APPLICANT**

JUDGMENT

1. The applicants herein, EOO and JAO , have applied by originating summons dated 13/03/2023 for an adoption order in respect to the Child known as Baby VT . Other consequential orders are also sought, including the order that if the adoption order sought is granted, the Child be henceforth known as RTO .
2. The applicants are a married couple who got married in the year 2012 in a Christian marriage. They are Kenyan citizens and living in Kenya. The couple has no biological child of their own.
3. The Child sought to be adopted was abandoned at Magutu Area, Ukunda, Kwale County on 15/07/2018 and was estimated to be a month old. The matter was reported at Diani Police Station on the following day, 16/07/2018 by good Samaritans. On the same day, the child was admitted to Diani Children’s Village. The child was formally committed to that children’s home vide Kwale Children’s Court Protection and Care Case No. 88 of 2018 on 29/11/2018.
4. On 19/12/2019, Diani Police Station confirmed that no one has ever come forward to claim the baby. Another letter by the area Assistant Chief dated 23/02/2021 stated that the office had no objection for the release of the child. The Child Welfare Society of Kenya engaged in media tracing, physical tracing and social investigations but the child remained unclaimed. On 30/04/2021, the Child was placed under the care, protection and custody of the applicants, and has been in their continuous and unbroken care, protection and custody up to the present. He is now about 5.4 years old and nobody has ever come forward to claim the Child who was declared free for adoption by a certificate dated 23/02/2021.



5. Upon perusal of all the material placed before the court, I am satisfied that all legal requirements for the adoption order sought have been met. I have also read all the necessary reports filed herein, which are by:
 - i. The Guardian ad Litem dated 14/07/2023
 - ii. The Adoption Society, Child Welfare Society of Kenya, dated 03/04/2023.
 - iii. The Directorate of Children Services, Laikipia County, dated 09/06/2023.

All these reports are favourable to the adoption order sought.

6. I have considered the personal circumstances of the Applicants, including their current occupations, incomes and social standing. From the material placed before this court, the Applicants have no history of any medical complications that can hinder them from giving the child quality upbringing. The applicants are also said to be committed Christians. They promise to bring up the child in a Christian manner. They are described by the adoption Society as suitable to adopt the child based on their ability to care and maintain the child. The Children's Officer also described them as a socially, financially and emotionally stable couple whose care, love and attachment to the child is not in doubt. The attached criminal citation search shows that the applicants have no past criminal record.
7. The Children's Officer was satisfied that the general environment in which the child lives was conducive for his upbringing and based on their findings and observations, the Children's Officer recommended that the applicants be allowed to adopt the child.
8. I am persuaded that the applicants not only have the will to adopt the child as their own biological child, but they have also demonstrated that they have the means to provide him with shelter, clothing, food, education and, most importantly, the parental care and protection that he needs and deserves. I have no doubt at all that they have provided and will continue to provide to the Child a conducive home for wholesome upbringing.
9. Finally, I am satisfied that the applicants are financially and materially capable of giving a good and proper upbringing to the Child, and are already providing him with a conducive and loving home. The adoption order sought is in the best interest and the welfare of the Child.
10. I will in the circumstances grant the adoption order sought. The Applicants be and are hereby authorized to adopt Baby VT who shall henceforth be known as RTO . The Child having been born in Kenya, is obviously a Kenyan citizen. The Child's birth date shall be 15/06/2018 at Kwale County. The Registrar-General is hereby directed to enter this adoption order in the Adopted Children's Register. The prayer for the issuance of the Kenyan Passport to the child cannot be properly made in the present proceedings.
11. The guardian ad litem is hereby discharged and Susan Anyango Okoth is hereby appointed as the legal guardian of the Child. It is so ordered.

DATED SIGNED AND DELIVERED AT NANYUKI THIS 25TH OCTOBER 2023

A.K. NDUNG'U

JUDGE

