



REPUBLIC OF KENYA



KENYA LAW
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**In re Adoption of BP (Baby) (Adoption Cause E15 of 2020)
[2022] KEHC 13730 (KLR) (Family) (29 July 2022) (Judgment)**

Neutral citation: [2022] KEHC 13730 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

FAMILY

ADOPTION CAUSE E15 OF 2020

M THANDE, J

JULY 29, 2022

IN THE MATTER OF THE CHILDREN'S ACT (NO. 8 OF 2001)

AND

IN THE MATTER OF BABY BP

AND

AN APPLICATION FOR ORDERS OF ADOPTION OF BABY BP

BY

DTM AND HIS WIFE MMP

JUDGMENT

1. By the Originating Summons dated 27.1.2020 the Applicants DTM and his wife MMP seek to adopt a child known as Baby Benjamin Palazollo. The reports on record indicate that the child was born to one MM (IP No. xxxx), a street woman, at the Pumwani Maternity Hospital. His mother abandoned him on 2.5.18 immediately after birth. The matter was reported at Shauri Moyo Police Station vide Occurrence Book Number 833/7/05/2018. Thereafter, the child was on 9.5.18 admitted at House of Charity Children's Home for care and protection pending committal. On 22.8.18 the Children's Court at Nairobi vide Protection and Care Case Number 478 of 2018 formally committed the child to the same home for a period of 3 years. The child was declared free for adoption by Buckner Kenya Adoption Services on 22.2.19 vide certificate serial no. xxxx. In a final letter dated 5.2.19 Shauri Moyo Police Station indicated that since the child was abandoned at Pumwani Maternity Hospital, nobody had come forward to claim him and efforts to trace his parents have been fruitless.
2. The Applicants were assessed by Little Angels Network, a registered adoption society and taken through the adoption process and its implications. The society's case committee sitting on 3.4.19 found the Applicants to have met the legal and social requirements for adopting a child of their



preferred sex and age. Following their approval by the adoption society, the child was placed with the Applicants on 6.7.19.

3. On 11.2.21, FDAO was appointed guardian ad litem for the child pending the hearing and determination of the adoption application, in accordance with Section 160 of the *Children Act*.
4. The Applicants have gone through the requisite assessments, and reports in respect thereof have been duly filed. Buckner Kenya Adoption Services which arranged the adoption of the child duly filed its report. For the Director of Children Services was filed a report dated 16.3.22 prepared by Nancy Waswa, Assistant Director and countersigned by Hoyd Isadia, Deputy Director. FDAO the guardian ad litem, filed her report dated 4.4.21. I have carefully assessed the said reports. All these reports are favourable and recommend the proposed adoption.
5. The child has been in continuous care and control of the Applicants for a period of about 3 years which is more than the statutory 3 months required under Section 157 of the Act. The Applicants are not younger than 25 years nor older than 65 years. They are more than 21 years older than the child. Section 158 of the Act has thus been complied with. The Applicants have been made aware of the consequences of an adoption order as well as the rights of an adopted child and shall assume all parental rights and duties over the child. I am satisfied that they fully understand that the adoption order is final and binding during the lifetime of the child and that they cannot under any circumstances give up the child. They further understand that the child shall have the right to inherit their property. The Applicants have demonstrated that they have the psychological and emotional capacity as well as the material resources to raise the child in a loving home environment. The Applicants propose to name the child BSD.
6. The record shows that the Applicants met in Nairobi in 1993. They began cohabiting in 1994 and their marriage was solemnised on 9.12.17. Although the female Applicant is a Tanzanian national, she has been resident in Kenya for over 30 years. Accordingly, this is a local adoption.
7. Having taken into account the foregoing factors, this Court has formed the opinion that it would be in the best interests of the child that he be adopted by the Applicants. The Court is further satisfied that all the legal requirements for a local adoption have been met and makes the following orders as prayed in the Originating Summons herein:
 - a. The Applicants DTM holder of national identity card number XXXX and his wife MMP holder of Tanzanian passport number XXXX are hereby allowed to adopt Baby BP who shall henceforth be known as BSD.
 - b. The child's date of birth is hereby declared to be 2.5.18.
 - c. The child is hereby declared to be a Kenyan citizen by birth.
 - d. I direct the Registrar General to enter this order in the Adoption Register.
 - e. The appointment of Faith Doris Awiti Obondo, the guardian *ad litem* now stands expired.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 29TH DAY OF JULY, 2022

.....

M. THANDE

JUDGE

In the presence of: -



.....for the Applicants

.....Court Assistant

