



REPUBLIC OF KENYA



KENYA LAW
THE NATIONAL COUNCIL FOR LAW REPORTING
Where Legal Information is Public Knowledge

**In re GRA (Child) (Adoption Cause 002 of 2021)
[2022] KEHC 11555 (KLR) (Family) (28 July 2022) (Judgment)**

Neutral citation: [2022] KEHC 11555 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE 002 OF 2021
AO MUCHELULE, J
JULY 28, 2022
IN THE MATTER OF THE CHILDREN ACT, 2001
AND
IN THE MATTER OF CHILD GRA
IN THE MATTER OF AN APPLICATION FOR ADOPTION BY
SPTC1ST APPLICANT
PAS2ND APPLICANT**

JUDGMENT

1. The applicants SPTC and PAS are British nationals aged 73 and 70, respectively. They are volunteer missionaries who have lived in Kenya since 2009. They seek to adopt Child GRA.
2. Child GRA was born on 16th October 2009 at Kitale District Hospital and abandoned at the facility by the mother. It was temporarily placed at Mercy Rescue Trust Centre and later placed with the applicants for foster care. The placement was on 2nd January 2010. She has been with the applicants since. The applicants obtained legal custody over the child at Kitale Court on 26th January 2012. On 13th March 2020 the applicants sought to adopt the child. The originating summons was filed at the High Court at Kitale. On 14th August 2020 Kitale subordinate court allowed the applicants to travel to the United Kingdom with the child. It does appear that they have not returned the child to Kenya. The adoption summons was transferred to this court by the High Court at Kitale.
3. Under section 158(1)(a) of the *Children Act* No. 8 of 2021 the applicants are above 65. Secondly, the application has been opposed by the Director of Children Services in his letter dated 23rd March 2022. He has asked for the child to be returned to Kenya to be processed by the National Adoption Committee. Thirdly, the applicants will have to show that the inter-country moratorium under section 156(4) of the Act does not affect their application for adoption.



4. In the meantime, I decline to grant the adoption and direct the applicants to return the child to Kenya.
The matter shall be mentioned on 13th October 2022 to confirm.

DATED AND DELIVERED AT NAIROBI THIS 28TH DAY OF JULY 2022.

A.O. MUCHELULE

JUDGE

