



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
FAMILY DIVISION
ADOPTION CAUSE NO. 69 OF 2019 (OS)
IN THE MATTER OF THE CHILDREN ACT, 2001
AND
IN THE MATTER OF AN APPLICATION FOR AN ADOPTION OF BABY EU ALIAS JO
IN THE MATTER OF AN APPLICATION FOR ADOPTION BY

DMK.....1ST APPLICANT

PMK.....2ND APPLICANT

JUDGMENT

1. The applicants DMK and PMK are a Kenyan couple aged 40 and 52 years, respectively. The 1st applicant is a training artisan and runs a small scale business while the 2nd applicant is a teacher. They married under customary law and they solemnized the marriage at the Registrar's Office in Nairobi on 8th November 2017. The couple was blessed with three (3) biological children. On 10th May 2019 they filed this originating summons seeking to be allowed to adopt Baby EU alias JO.

2. Baby EU alias JO was on 2nd August 2016 found abandoned in Nairobi by a good samaritan. The child was about one month old. The matter was reported to Riruta Police Station in OB No.[...]. The child was admitted to New Life Home on the 13th October 2017 where he was formally committed by the Milimani Senior Resident Magistrate court vide **Protection and Care Case Number [...]**. Police efforts to trace the mother and relatives of the child did not bear any fruits. The child was on 31st May 2017 declared free for adoption by KKPI Adoption Society who issued Certificate No. [...] dated 27th October 2017. On 13th October 2017 the child was placed with the applicants for foster care. He has been with them since.

3. On 26th September, 2019 the court appointed SWM as the guardian *ad litem* and ordered her and the Director of Children Services to prepare and file the requisite reports within 45 days after carrying out a social inquiry on the applicants to determine their suitability to adopt the child. The two reports were filed. Both recommended the applicants to be allowed to adopt the child. The reports found that the applicants were socially, emotionally and financially stable and suitable to adopt the child. It was also found that the child had bonded well with the applicant and the other members of the family.

4. I find the it is the best interest of the child to be adopted by the applicants. The applicants have demonstrated their capability to provide a conducive home and family environment in which the child will grow and develop. They will assume all parental rights and obligations of the biological parents of the child once adopted, and shall treat him as if he was born to them. They have been made aware that once the adoption order is made, it shall be final and binding during the lifetime of the child. The child shall have the right to inherit their property. The applicants shall not be able to give up the child owing to any subsequent unforeseen behaviour or other changes in the child. This court dispenses with the consent of the child's biological parents as he was found abandoned.

5. Having been satisfied that all the legal requirements for a local adoption under the **Children Act** have been met, the following orders shall issue:-

a) the applicants DMK and PMK are hereby allowed to adopt Baby EU alias JO;

b) Baby EU alias JO shall henceforth be known as GMM;

c) the child's date of birth shall be 2nd August, 2016 and shall be presumed Kenyan citizen having been found abandoned in Nairobi

in Kenya;

d) DMM is hereby appointed as the child's legal guardian in the event of the death or incapacity of the applicants before he is of full age and fully self-reliant;

e) the Registrar-General is directed to enter this adoption in the Adopted Children Register;

f) the Director Immigration be authorized to issue the child with a Kenyan passport; and

g) the guardian *ad litem* is hereby discharged.

DATED AND DELIVERED ELECTRONICALLY AT NAIROBI THIS 24TH MAY 2021.

A.O. MUCHELULE

JUDGE