



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT KIAMBU**

**ADOPTION CAUSE NO. E005 OF 2021**

**IN THE MATTER OF THE CHILDREN'S ACT 2001**

**AND**

**IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY KG (INFANT)**

**BY**

**PEMM .....1<sup>st</sup> Applicant**

**AND**

**MWM.....2<sup>nd</sup> Applicant**

**JUDGMENT**

1. By an originating summons dated 10<sup>th</sup> May, 2021 the applicants seek an order to adopt a female baby known as KG.
2. The baby was on 9<sup>th</sup> March 2019 found abandoned in Machakos County when it is estimated she was 3 weeks old. The matter was reported to the Machakos police station and by their letter dated 13<sup>th</sup> September 2019 that police station confirmed their effort to trace parents or relatives of the baby had been fruitless. **Change Trust** has by its certificate **Serial No. xxxx** dated 20<sup>th</sup> September 2019 certified the baby free for adoption.
3. The reports filed by **Children's Officer Kiambu County** and by the Guardian ad litem recommends this adoption. Those reports shows that granting the adoption order will be in the best interest of the child.
4. The applicants are 36 years, the father, and 38 years, the mother. They were married under Kikuyu customary law in the year 2014 which marriage they solemnized in August 2018. They state, in their application that their motivation for seeking adoption is their love and desire to be parents.
5. The applicants are both gainfully employed as accountants. They have proved, their ability to provide for the child.
6. The applicants have had the continuous care and control of the baby since 16<sup>th</sup> October 2019, thereby they are in compliance with the provisions of **Section 157(1) of the Children's Act**, which provides:

***"...no application for an adoption order, shall be made in respect of a child unless the child concerned has been in the continuous care and control of the applicant within the Republic for a period of three consecutive months preceding the filing of the application and both the child and the applicant or applicants, as the case may be evaluated and assessed by a registered adoption society in Kenya."***

7. The applicants are both of good health and have provided **Directorate of Criminal Investigation** police clearance certificate confirming they have no criminal record: See **Section 158(3) of the Children's Act**.
8. I am satisfied that the applicants have complied with necessary legal requirement necessary for an adoption order to be made. The home visits by the Children's Officer and of the Guardian ad Litem reveals a couple that has bonded well with the baby and have a conducive home for the upbringing of the baby. The report show that the baby who was abandoned after birth stand to gain stable parents and a home,

in the applicants before court.

9. It is for the foregoing reasons that I grant the following orders.

(a) The applicants **PEMM and MWM** are hereby authorized to adopt the child currently identified as **baby KG** and who shall hence be renamed **VQWM**.

(b) The child's date of birth is hereby declared to be 26<sup>th</sup> February 2019 and her place of birth is declared to be Machakos County.

(c) The child is hereby presumed to be Kenyan Citizen by birth.

(d) The consent of the biological parent/guardian is dispensed.

(e) The guardian ad Litem is hereby discharged and **RNM** and **JWN** are appointed as Legal guardians of the child.

(f) The Registrar General is hereby directed to make the appropriate entries in the Adoption Children's Register.

**JUDGMENT DATED AND DELIVERED AT KIAMBU THIS 16TH DAY OF DECEMBER, 2021.**

**MARY KASANGO**

**JUDGE**

For Applicants: **Ms Mbuvi**.

**COURT**

Judgment delivered virtually.

**MARY KASANGO**

**JUDGE**