



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO.36 OF 2019

IN THE MATTER OF THE CHILDREN ACT NO. 8 OF 2001

AND

IN THE MATTER OF BABY JG.

EMO.....1ST APPLICANT

AND

AMM.....2ND APPLICANT

JUDGMENT

1. The two Applicants in the Originating Summons dated 25.3.2019 EMO and AMM (hereafter referred to as the 1st and 2nd Applicants respectively) are seeking authority to adopt Baby JG. and to name him J.O.M. (hereafter referred to as the child).
2. The Originating Summons is supported by the statement in support of the Adoption Order also dated 25.3.2019 sworn by the 1st and 2nd Applicants.
3. The 1st and 2nd Applicants are adult Kenya Citizens born in 1983 and 1986 respectively.
4. The 1st and 2nd Applicants solemnized their marriage on 21.3.2018 at the Registrar of Marriages office.
5. The first Applicant works with [particulars withheld] as an Operations Manager while the 2nd Applicant is a house manager.
6. The Applicants have attached their bank statements to demonstrate their financial ability to take care of the child.
7. The Applicants have also attached their medical reports and certificates of good conduct to show that they are physically fit and they have no criminal records.
8. The child was presumably born on 6.12.2017.
9. He was found abandoned at Naivasha District Hospital by Hospital Staff on 8.12.2017.
10. The matter was reported at Naivasha Police Station vide OB No. 55/08/12/2017.
11. The Police wrote an initial letter dated 14.12.2017 and the child was taken to Limuru Children's Centre.
12. The child was officially committed to the home by Naivasha Children's Court vide Protection and Care Case No. 9 of 2018.
13. The Police wrote a final dated 13.8.2018 confirming nobody went to claim the child.
14. The Child was declared free for adoption on 15.8.2018 vide Certificate No. [...] dated 15.8.2018 and placed with the Applicants on 30.8.2018.
15. The following Reports have been filed in Respect of this adoption:

(i) Kenya Children Homes Report dated 7.5.2019

(ii) The Guardian Ad Litem's Report dated 15.6.2019.

(iii) The Director Children's Services report dated 27.8.2019

16. I find that Reports are favourable and they recommend the adoption and I find that it is the best interest of the child to allow the adoption. In the matter of L.O (CHILD)[2012] Eklr the court stated that :

“For the avoidance of doubt, the rights and duties of the biological parents of the child are hereby extinguished and all the parental rights, duties, obligations and liabilities of the child, J. M. M. , now vest in and shall be exercisable by and enforceable against the Applicants as the adopter parents as if the child were born in wedlock to the adopter parents and the child, to all intents and purposes, now stands to the adopter parents as a child born in wedlock and both adopter parents shall henceforth be the lawful father and mother of the child.”

17. I therefore find that the applicants have met the threshold for adoption of the child and I accordingly allow the originating Summons dated 24.3.2019 in the following terms:

(i) THAT the Applicants be and are hereby authorized to adopt Baby JG.

(ii) THAT the Child shall henceforth be known as JOM.

(iii) THAT the Consent of the Biological parents be dispensed with since the child was found abandoned. THAT the child shall be presumed to be a Kenyan Citizen.

(i) THAT the Registrar General be and is hereby directed to enter the Adoption in the Adopted Children Register.

(ii) THAT PN be and is hereby appointed Legal Guardian of the Child in case of incapacity of the Applicants before the child attains the age of the Majority.

(iii) THAT the Guardian Ad Litem be and is hereby discharged.

DELIVERED, DATED AND SIGNED IN OPEN COURT THIS 21ST DAY OF FEBRUARY 2020.

ASENATH ONGERI

JUDGE OF THE HIGH COURT OF KENYA, NAIROBI.