



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

FAMILY DIVISION

ADOPTION CAUSE NO. 115 OF 2019(OS)

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF BABY V.

IN THE MATTER OF AN APPLICATION FOR ADOPTION BY

ROM.....1ST APPLICANT

EMM.....2ND APPLICANT

JUDGMENT

1. The applicants ROM and EMM are a Kenyan couple aged 50 and 54, respectively. The 1st applicant is a chemist analyst with [particulars withheld] while the 2nd applicant is a businesswoman. They solemnized their marriage on 12th December 2004 and were issued with a marriage certificate number [...]. They have no baby. They filed this originating summons dated 26th August 2019 seeking to adopt baby V.

2. Baby V. was born on 15th November 2016 at Kigumo according to the birth certificate No. [...]. The baby was on 15th November 2016 found abandoned in a bush by one Peter Kimemia, a village elder. He reported the matter to Ngonda Police Patrol Base. The baby was placed at New Life Home Trust. The baby was formally committed to the Home on 11th July 2017 vide Protection and Care Case No. 31 of 2017 at Kigumo Children's Court. He was declared free for adoption on 13th April 2018 by Little Angles Network vide Certificate No. [...] and placed with the applicants on 4th May 2018 for foster care. Police efforts to trace the mother of the baby did not bear fruit, and no one has claimed it.

3. On 24th October 2019 the court appointed JAS as the guardian *ad litem* and ordered him and the Director of Children Services to each investigate the suitability of the applicants to adopt the baby and file a report with 45 days. The two reports were filed both recommending the applicants to be allowed to adopt the baby. The reports found that the applicants were socially, emotionally and financially stable and suitable to adopt the baby. It was also found that the baby and the applicants had bonded well.

4. The court finds that it is in the best interest of the baby to be adopted by the applicants. The applicants have demonstrated their ability to provide a conducive home and family environment in which the baby will grow and develop. They will assume all parental rights and obligations of the biological parents of the baby 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 baby. The baby shall have the right to inherit their property. The applicants shall not be able to give up the baby owing to any subsequent unforeseen behaviour or other changes in the baby.

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 ROM and EMM are hereby allowed to adopt baby V.;

b. Baby V. shall henceforth be known as JVO;

c. the baby's date of birth shall be 15th November 2016, and shall be presumed Kenyan by birth having been found abandoned at Kigumo in Murang'a County in Kenya;

d. TNM and DKO are hereby appointed to be the baby's legal guardians in the event of 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; and

f. the guardian *ad litem* is hereby discharged.

DATED and DELIVERED electronically, following consent of the parties, at NAIROBI this 30TH APRIL 2020

A.O. MUCHELULE

JUDGE