



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAKURU**

**ADOPTION CAUSE NUMBER 23 OF 2019**

**IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY PM**

**AND**

**DKN .....1<sup>ST</sup> APPLICANT**

**MWK .....2<sup>ND</sup> APPLICANT**

**J U D G M E N T**

1. What is before me is the Originating Summons dated 8<sup>th</sup> August, 2019 brought under **Section 158 (1), (b), 157 and 160 and all other enabling provisions of the Children Act.**

2. It seeks orders;

1. **THAT** EWN, be appointed as Guardian ad Litem of BABY PM during the hearing of these adoption proceedings.
2. **THAT** the Director of Children's Services in the Ministry of Home Affairs be directed to conduct investigations as to the suitability of the applicants to adopt BABY PM and submit a report on their findings to court.
3. **THAT** the consent of the biological parent of BABY PM be dispensed with since the child was abandoned so soon after birth.
4. **THAT** the applicants be authorized to adopt BABY PM and the child be known as JKR henceforth.
5. **THAT** the Registrar-General do make the appropriate entries in the adopted children's register in respect of JKR.
6. **THAT** the court does issue such other orders as may be necessary in the best interest of the child.
7. **THAT** costs be in the cause.

3. It is supported by the joint statement of the applicants. Sworn on 8<sup>th</sup> August, 2018 and the annexures thereto, which demonstrate that; according to the adoption society Little Angels Network investigating the history of BABY PM an infant of male sex, the infant was presumably born on 3<sup>rd</sup> September, 2014 and he was found abandoned by Good Samaritans who took the child to GVRC Nairobi Women's. Upon discharge on 3<sup>rd</sup> February 2015, the child was placed at the Nest Home temporarily for care and protection awaiting official committal order. In a letter dated 18<sup>th</sup> June 2015, the Kariobangi Police station indicate that a good Samaritan collected the child and took him to the police station where the incident was booked. The copies of Police Letters are annexed. On 29<sup>th</sup> July 2015 a Committal Order was made in respect of the child by the Children's Court at Nakuru Children's Court as per the committal order. A year later the child was declared free for adoption by Little Angels Network and the copy of the Certificate of Declaration and a copy of the Report declaring the child free for adoption annexed.

4. The applicants are both pastors and law abiding Kenyan Citizens, as per their certificates of good conduct. They were born on 1967 and 1973 respectively married since 1990 customarily and later on solemnized their marriage as per the annexed copy of the marriage certificate. They are physically and emotionally fit and healthy to parent the child as per the copies of my medical particulars. They have two biological children HNK and RWK who are now adults and have consented to the adoption of BABY PM in the family.

5. The applicants are financially stable capable of assuming financial responsibility for the infant's medical care, education and general

upkeep, as they have a business which generates monthly income, and own property as evidenced the documents annexed. In addition, they have a home with a comfortable environment, which is suitable for nurturing the child and ensuring his full development. They were investigated by Little Angels Network and found to be fit adoptive parents as per the annexed copy of Pre-Placement Report and have had care and control of the infant since 16<sup>th</sup> November 2016 and no objection has been raised against their application.

6. They appointed EMW whose consent is also annexed as the Legal guardian of the child.

7. The guardian *ad litem* was appointed at the onset of the proceedings and the Director of Children Services filed the social inquiry report.

8. I heard oral evidence from the adoptive parents and the legal guardian.

9. I read the recommendation from the Director of Children Services. The report verifies the information in the Originating Summons.

10. I have considered all the evidence, perused all the documents and I am persuaded that the applicants will provide a suitable home and parentage for the child herein. I allow the Originating Summons and grant the following prayers;

**1. THAT the applicants be authorized to adopt BABY PM and the child be known as JKR henceforth.**

**2. THAT the Registrar-General do make appropriate entries in the adopted children's register in respect of JKR.**

3. *EMW is appointed Legal Guardian.*

4. *The Guardian ad Litem is discharged.*

5. *Costs in the cause.*

**Dated, signed and delivered via email at Nakuru this 22<sup>nd</sup> day of June, 2020.**

**Mumbua Matheka**

**Judge**

Edna and Martin Court Assistants

Mrs. Mbeche for Obura Mbeche & Co. Advocates for applicants