



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERUGOYA

ADOPTION NO. 1 OF 2018

IN THE MATTER OF ADOPTION OF

BABY ID.....THE CHILD

BY

PMCN.....1ST APPLICANT

AND

PNK.....2ND APPLICANT

JUDGMENT

1. By an Originating Summons taken out by the Applicants PMCN and PNK on the 8/2/2018 and filed on the 6/3/2018, the applicants sought the following ORDERS:-

- 1) That the applicants be authorized to adopt Baby ID to be known as E K M.**
- 2) That EMM and MNM be appointed as the legal guardians of the child.**
- 3) That the Registrar – General be directed to enter into the adopted children’s register an entry recording the adoption.**
- 4) That the child be presumed to be a Kenyan citizen by birth.**

2. The Originating Summons is supported by a statement and affidavit by the applicants, a report by the Children’s Home, Little Angels Network declaring the child free for adoption and all other attendant reports.

3. On the 18/10/2018, the court appointed JBK as the guardian Ad Litem of the child. The Department of Children’s Services filed a report dated 24/6/2018 on the fitness of the proposed adoptive parents. Affidavits of means are also filed by the applicants. The proposed legal guardians of the child were examined by this court on their understanding and duties in respect of the adoption of the baby on the 14/10/2020.

4. I have carefully considered the application and all documents and affidavits filed. The child was placed under the care of the applicants, aged 46 and 48 years old respectively on the 21/7/2016 when he was three years old, from the House of Charity Home where he had been admitted for care and protection after being rescued by a good Samaritan who found him abandoned at the estate, upon a report by the police. By a final report from Muthangari police station dated 12/5/2014, nobody claimed the child and therefore gave the go ahead for the adoption of the child.

5. The applicants have been married to each other for Twenty years and have no child of their own. They both work as Pastors. The 2nd doubles up as a Secretary at [particulars withheld] Boarding Primary School. They are financially stable. They have a farm on which they have built rental houses where they collect rental income as well as farm coffee and maize. They both have NHIF Medical Cover and upon the adoption being granted, it is their plan to include the child in the medical cover.

6. The child is currently Seven years old, and attends nursery school at [particulars withheld] Academy. By the Children Officers report, the applicants family has accepted the child and has bonded well. The applicants are stated to be of very high moral standards. They are recommended as good parents who are ready to give the child a home and family. They understand their duties to the child and the inheritance rights of the child.

7. I am therefore satisfied that the proposed adoption is for the best interest of the child who will grow up with a mother and father who will give him parental love and guidance in his life. As the child was abandoned, and no person has to date claimed him, I deem it necessary to dispense with the consent of the biological parents and vest all rights, duties and obligations to be exercised by the adopting parents.

8. Accordingly, I allow the application for adoption and make the following ORDERS:-

1) The applicants PMCN and PNK are authorized to adopt Baby IID to be known as EKM who is hereby presumed to be a Kenyan citizen by birth.

2) That EMM and MNM are appointed legal guardians of the child.

3) That the Director-General is hereby directed to enter in the adopted Children's register an entry of the adoption in the prescribed form.

Orders accordingly.

Dated, Signed and Delivered Electronically, by Email at Kerugoya this 27th October, 2020.

J. N. MULWA

JUDGE