



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 61 OF 2018 (O.S)

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

IN THE MATTER OF AN APPLICATION FOR THE ADOPTION OF BABY EA

BY

PMC AND JWN (APPLICANTS)

JUDGMENT

1. The Applicants PMC and JWN are in a monogamous marriage which was solemnized at the Registrar's office in Nairobi on 18th April, 2008. They have no child of their own. They wish to adopt the male child known as Baby EA through the Originating Summons dated 15th May, 2018.
2. From the pleadings, the court gathers that the male Applicant is a businessman whereas the female Applicant is a bank official. They reside in BuruBuru area in Nairobi and both profess the Christian faith.
3. Records before the court indicate that the minor in this matter was abandoned at Kenyatta National Hospital New Born Unit on 7th September, 2015. The matter was reported to the Provincial Children's office in Nairobi and the Kenyatta Police Post where it was booked via OB No. [xxxx].
4. On 10th February, 2016 the child was committed to the care of New Life Home Trust by the Children's court at Nairobi vide P&C Case No. 8/2016. The Kenyatta Police Post issued a final letter dated 10th June, 2016 in which they confirmed that the biological parents of the child were not traced, nor did anyone come forward to claim the child. On 25th August, 2017 the Applicants took the child into foster care with a view of adopting. A foster care agreement was signed on 25th August, 2017.
5. Prior to the hearing of the adoption application, Buckner Kenya Adoption Services prepared and filed a report dated 11th July, 2016. They had also issued a Certificate of Serial No. [XXXX] dated 8th July, 2016 declaring the child free for adoption. The guardian ad litem EN filed a report which was favourable and recommended the adoption of the child by the Applicants.
6. An officer from the office of the Director of Children Services conducted home visits and established that the Applicants are financially and emotionally capable of providing for the up keep and education of the child. She filed a report dated 25th October, 2018 recommending the adoption for reasons that the child stands to gain from the opportunities provided by becoming the son of the Applicants and that the Applicants have fulfilled all the statutory requirements.
7. This is a local adoption and from the record the Applicants have fulfilled all the legal requirements relating to the adoption of the child. The consent of the biological parents was dispensed with since the child was abandoned at infancy and the parents could not be traced to give the consent. The child was in court during the hearing and appeared to have bonded well with the Applicants.
8. From the foregoing, this court is of the considered view that it is in the best interest of the child to be adopted by the Applicants. Reasons wherefore, I allow the prayers sought in the Originating Summons dated 15th May, 2018 and order as follows:
 - i. The Applicants, PMC and JWN be and are hereby allowed to adopt **Baby EA** who shall henceforth be known as **CEM**.
 - ii. His date of birth shall be presumed to be 7th September, 2015. He is presumed to have been born in Kenya in accordance with **Article 14(4)** of the **Constitution**, and the place of birth shall be Nairobi.
 - iii. KNK and EMN are hereby appointed as the legal guardians of the child in the event that the Applicants die, or are incapacitated

by ill-health.

iv. The Registrar General is directed to enter this order in the Adopted Children Register.

v. The Director of Immigration is hereby authorized to issue the child with a Kenyan passport.

vi. The guardian ad litem is hereby discharged.

It is so ordered.

SIGNED DATED and DELIVERED in open court this 24th day of January, 2019.

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L. A. ACHODE

HIGH COURT JUDGE