



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
ADOPTION CAUSE NO. 149 OF 2018
IN THE MATTER OF THE CHILDREN ACT NO. 8 OF 2001
AND
IN THE MATTER OF APPLICATION FOR THE ADOPTION OF
BABY CM.
EMD and GNM.....APPLICANTS

RULING

1. The Applicants herein EMG and GNM (Hereafter referred to as the Applicants) are seeking authority to adopt Baby CM (hereafter referred to as the child).
2. The Applicants are adult Kenyan Citizens born on 15.3.1973 and 6.11.1974 respectively.
3. They got married on 10.8.2002 at PCEA [Particulars withheld] eKLR and they are blessed with one biological daughter born on 14.1.2003 who is currently at [Particulars withheld] School and has consented to this Adoption.
4. The Applicants are financially stable as they are both business people currently running (Particulars Withheld) Company Limited which deals with Supply.
5. They have attached their bank Statements and their Monthly income is about Ksh.100, 000 per month.
6. The Applicants are also physically fit and they have no Criminal Record as evidenced by their medical reports and Certificates of Good Conduct
7. The Child was born to PMM on 13.9.2015 at Machakos Level Five Hospital. He was abandoned by the mother in the New Born Unit by the mother after delivery. The matter was reported to Machakos Police Station under OB No. [xxxx] and a Police and a Police letter dated 19.10.2015 was made by the officer in charge of Machakos Police Station.
8. The Hospital referred the child to the District Children's Officer Machakos who recommended that the child be admitted at Open Hand Children's Home a Charitable Children's institution via his letter dated 14.10.2015.
9. The Child was subsequently committed into the Open Hand Children's home for a period of 3 years by the Children's Court at Machakos vide Care and Protection Case No. 18 of 2015. The Police by letter dated 5.7.2016 confirmed that the mother did not come to claim the child.
10. The Child was declared free for adoption on 30.11.2016 vide Certificate No. 086 and placed with the Applicants on 1.12.2016 via foster agreement dated 1.12.2016.
11. The following reports were filed in respect of the adoption.

(i) Report by Director Children's Services dated 1.8.2019.

(ii) Report by K. K. P.I Adoption Society filed on 14.3.2019

(iii) Report by Guardian Ad Litem dated 10.3.2019

12. I have considered the originating summons dated 27.9.2019 together with the Reports filed here. I find that the Reports are favorable and they recommend the adoption.

13. I find that the Applicant meets the threshold for adoption of the child.

14. Finally, in deciding this matter I am obliged to adhere to **Section 4(2)** of the **Children Act 2011**, which provides:

“In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

15. The Originating Summons dated 27.9.2018 be and is hereby allowed in the following terms.

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

(ii) THAT the baby shall be renamed GEMJ

(iii) THAT the child shall be presumed a Kenyan Citizen.

(iv) THAT HHMM and LWM be and are hereby appointed legal guardians of the Child in the event that the Applicant herein is incapacitated or in any way unable to discharge their parental obligations before the child attains the age of majority.

(v) THAT the Registrar General be and is hereby authorized to enter this order in the adopted Children's Register and to issue a certificate to that effect.

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

Orders to issue accordingly.

DELIVERED, DATED AND SIGNED IN OPEN COURT THIS 22ND DAY OF NOVEMBER, 2019

ASENATH ONGERI

JUDGE OF THE HIGH COURT OF KENYA, NAIROBI.