



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI LAW COURTS
FAMILY DIVISION
ADOPTION CAUSE NO. 85 OF 2016
IN THE MATTER OF THE CHILDREN ACT 2001

AND

IN THE MATTER OF CHILD D.

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION BY

J R N.....1ST APPLICANT

D W N.....2ND APPLICANT

JUDGMENT

1. The applicants are a Kenyan couple aged 37 and 38, respectively. The 1st applicant is an engineer and the 2nd applicant an immigration liaison officer. They got married in 2007 and have one biological daughter. On 24th June 2016 they filed this originating summons seeking to be allowed to adopt child D. who was estimated to have been born on 21st February 2014.

2. Child D. was found abandoned near [particulars withheld] Estate. He was rescued by a good samaritan who reported the incident at Savannah Police Post vide OB No. [particulars withheld]. The child was taken to Mama Lucy Kibaki Hospital where he was admitted. He was discharged from the hospital on 28th February 2014 and committed by the Senior Resident Magistrate Nairobi Children Court on 5th November 2014 to Hope House Babies Home vide Protection and Care Case No. 301/2014. Efforts to trace the relatives were futile. The child was declared free for adoption by Little Angels Network Adoption Society on 20th November 2014. The Society issued a declaration certificate No. [particulars withheld].

3. On 6th October 2016, the court appointed B B W as the guardian *ad litem*. She conducted a home study of the applicants and made a report to say that the child had bonded well with them and their extended family. The child was in good health and had brought happiness to the couple. The Director of Children Services filed a report on 16th December 2016 to say that the applicants were socially, emotionally and financially capable of bringing up the child and providing for it. The applicants had no

criminal record.

4. The court has considered all the reports presented in the case and has formed the opinion that it is in the best interest of the child to be adopted by the applicants. The applicants have provided a conducive home and family environment in which the child will grow and develop. They shall assume all parental responsibilities and rights of biological parents of the child once adopted, and shall treat the child as if he was born to them. They have been made aware that once the adoption order is made it will be final and binding during the lifetime of the child, and that the child shall have the right to inherit their property. The applicant shall not be able to give up the child owing to any subsequent unforeseen behaviour or other changes in the child.

5. Having been satisfied that all the legal requirements for a local adoption under the **Children Act (Chapter 141)** have been met, the following orders shall issue:-

- a) the applicants J R N and D W N are hereby allowed to adopt child D. who shall henceforth be known as E N R;
- b) the child's date of birth shall be 21st February 2014, and shall be presumed Kenyan by birth having been found abandoned in Jacaranda estate in Nairobi County in Kenya;
- c) R N and AW M are hereby appointed the legal guardians to the child in the event of death or incapacity of the applicant before he is of full age and fully self-reliant;
- d) the Registrar-General is directed to enter this adoption in the Adopted Children Register;
- e) the Director of Immigration Services is hereby ordered to issue the child E N R with a Kenyan passport; and
- f) the guardian *ad litem* is hereby discharged.

DATED and DELIVERED at NAIROBI this 25TH day of MAY, 2017

A.O. MUCHELULE

JUDGE