



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
ADOPTION CAUSE NO.6 OF 2015
IN THE MATTER OF THE CHILDREN ACT NUMBER 8 OF 2001
AND
IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY E
S M K.....1ST APPLICANT
AND
C M M.....2ND APPLICANT

JUDGMENT

1. The applicants **S M K** and **C M M** are seeking to be authorized to adopt **baby E** and if the said application is allowed hereinafter referred to as the child. They also seek that upon making the adoption the child be called **E M M**. They also seek that **K M** be appointed the legal Guardian of the child.
2. The applicants are Kenyan citizens born in 1971 and 1972 respectively. They got married on 11th April 1998. The 1st applicant is a marketer working at [particulars withheld] Co. Ltd. While the 2nd applicant is a librarian. The applicants have one biological son and one adopted daughter. They are both of good health and do not have any criminal record.
3. Baby E is estimated to have been born on 16th November 2011 and was reported to have been abandoned by the mother at Katheka Kai area in Machakos on 18th November 2011 and was rescued by good Samaritans who reported the same to Machakos Police Station via OB no. 44/23/11/2011. On 23/11/2011 the child was admitted to Springs of Hope Children's Center a Children's home for care and protection and care. The Child was committed to the home by RM Machakos Children's Court vide Committal order P&C No. 94/2011 dated 15th December 2011. The child was declared free for adoption by Little Angels Network on 23rd January 2013 and was issued with a certificate of declaration of declaring a child free for adoption no. [particulars withheld]. The child was placed with the applicants for mandatory bonding period prior to the adoption on 25th January 2013 and has been in their care ever since.
4. The applicants have met the necessary pre-requisites to adopt the child as prescribed in the Children Act 2001. The guardian ad litem filed her report on 5th May 2015 while the Department of Children services filed its report on 17th August 2015. Both reports are favorable and recommend that the applicants are suitable to adopt and that they be allowed to adopt. Investigations reveal that the child has bonded well with the applicant. The child was observed to be happy and is well adjusted to his home. The

applicants are financially stable and able to provide for the needs of the child.

5. It is evident that the applicants have fulfilled all the legal requirements relating to the adoption of the child. This court is satisfied that the applicants are qualified and able to take care of the child. It is evident that the applicants are financially stable and capable to provide for the upkeep and education of the child and in the period that the applicants have had the custody of the child, the child has bonded well with them.

6. This court finds that it would be in the best interest of the child to be adopted by the applicants. I allow the applicants application for adoption. The Applicants **S M K** and **C M M** are hereby authorized to adopt **baby E** whom shall henceforth be called **E M M. K M** has been appointed the legal Guardian of the child should misfortune befall the applicants. I direct the Registrar General to enter this order in the adoption register. The child was born in Kenya and is therefore a Kenyan by birth and is entitled all the rights that accrue to Kenyan citizens under the Kenya Constitution 2010 and the Kenya citizenship and Immigration Act. I hereby discharge the Guardian ad litem. It is so order.

Dates, Signed and delivered this **26th** Day of **February** 2016.

R. E. OUGO

JUDGE

In the presence of:

.....**For the Applicants**

Ms. Charity

Court Clerk