

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 224 OF 2014

IN THE MATTER OF ADOPTION OF E G (MINOR)

And

IN THE MATTER OF THE APPLICATION FOR ADOPTION

BY

P M K AND C L W I (APPLICANTS)

JUDGMENT

1. The applicants **P M K and C L W I** seeks to be authorised to adopt **E G** (minor). The applicants approached the Kenya Children's Homes Adoption Society on 5th April 2011 with an intention of being ratified for placement with a male child with a view to eventually adopting. It is the applicants' second application for placement with a child. The first child **C M Aka E M M** from Thomas Barnardo House was placed under their care and control on 28th November 2007 and her adoption application was lodged at the High Court under Adoption Cause No. 58 of 2009. The matter was successfully finalised in court on 14th May 2010.
2. The minor (**E G**) was presumably born on 28th May 2009. He was found abandoned at Gituru playground by an unknown person on 28th May 2009 and rescued by a Ndakaini Secondary Student on his way home from school. The baby was rescued and taken to Gituru Health Centre for examination. After confirmation that he baby was well and stable, they later took the child to Githumu Police Station.
3. The matter was reported at Githumu Police Station where it was recorded vide occurrence book number 2/28/5/09. The officer from the health centre sought for a vacancy at Kandara Children's home which was availed. Accompanied by the OCS from Githumu Police Station, they took the baby to Kandara Children's Home where he was admitted on 28th May 2009 as an abandoned child. The child was committed to Kandara Children's home at the Kandara Children's court for care and protection on 30th March 2011 vide care and protection case number 5 of 2011 until further court orders. The police furnished the home with a clearance letter dated 11th May 2010 confirming that no one had gone forth to claim the child and their attempts to trace his parents had not borne fruits. The minor was declared free for adoption by the Kenya Children's homes Adoption Society's case committee sitting of 8th November 2011 in compliance to section 156(1) of the Children's Act 2001, Freeing Certificate no. 758 was issued.
4. The Adoption Society, guardian ad litem and the Director of Children's Services have all established that the applicants are financially and emotionally capable to provide for the up keep and education of the child. The Applicants have fulfilled all legal requirements relating to the adoption of the child as prescribed in the children's Act 2001. The Director of Children's Services also filed a report as did the guardian ad litem, **E M M** dated 9th October 2015. Both reports were favourable and recommended the adoption of the child by the applicant.
5. After a careful assessment of the reports filed herein, this court has formed the opinion that it would be in the best interest of the child to be adopted by the Applicants. The application is therefore allowed. The Applicants **P M K** and **L C W I** are hereby allowed to adopt **E G** (minor). **P M K and N M T (brother to 1st applicant and his wife)** shall be the legal Guardian of the child should misfortune befall the

applicant. 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 to all the rights that accrue to Kenyan Citizens under the Kenya Constitution 2010 and the Kenya citizenship and immigration Act. It is so ordered.

Dated signed and delivered this **14th** Day of **April 2016**.

R. E OUGO

JUDGE

In the Presence of:

.....Applicants.

Charity

Court Clerk