



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
ADOPTION CAUSE NO. 113 OF 2015
IN THE MATTER OF THE CHILDREN ACT 2001
IN THE MATTER OF BABY E Z (MINOR)

AND

S A A.....1ST APPLICANT

CMM.....2ND APPLICANT

JUDGMENT

[1] **S A A** and **CM** hereafter referred to the applicants are seeking to be authorized to adopt **Baby E Z O** an infant. That upon making the order the child to be known as **R A A**. The applicants are husband and wife and are resident in Kenya. They are married and have two other children. **S A A** is an administrator/Businessman and **C M** is an administrator assistant with ICIPE in Nairobi. They are both of Kenyan nationality and are Christians. The infant baby **E Z** was received into their care and possession on the **13/12/06** and has been in their continuous care and possession since then.

[2] Baby **Z** was born on the 21/2/2005 at Kakamega Provincial General Hospital and her mother gave her up for adoption after signing the requisite consent surrendering the child willingly for placement in a children's home for adoption. The legal consent was attested by an advocate Wilfrida A. O Osondo. The baby was placed into New Life Home Trust on the 22/2/05. On the 7/2/2013 baby **Z** was committed into the legal custody of New Life Home trust vide protection and care case no. 54/2013 by the Children's court at Kakamega for a period of 18 years with the help of Kakamega District Children office. The child's biological father's consent could not be obtained as neither the biological mother of the child nor the grandmother availed the details of the child's father. On the 2/7/2005 Baby **Z** was discharged from the home and placed into the care of the applicant a foster care and has been in their care since then.

[3] The report from the Director of children's department dated the 12/5/2016 gives a background of the applicants and reports that the child was declared free for adoption on the 13/3/2013 vide certificate no. [particulars withheld]. That the 2nd applicant has a passion for children and that the applicants want to give the child a home and an identity. It is also stated that the couple is financially stable to take care of the child and the other children in the family. That during their visit to the home they noted that the child bonded well with the applicants and the other children, that there is no doubt that the applicants have the best interest of the child and the other children.

[4] The report from the agency Little Angels Network recommends the adoption so does the report from the Department of Children services. The guardian ad litem's report too recommends the adoption.

[5] The applicants presented themselves before this and were interviewed by the court. the child too was present. This court observed that that Baby Z is being taken care of very well and he has bonded with the applicants. The applicants admitted they have 2 other children aged 5 and 2 years and stated that it has been their desire to adopt a child.

[6] The applicants in this cause have willingly offered a home for Baby Z They are financially able to care for all the children and love baby Z. They looked responsible and mature persons and have bonded well with the child. I have no doubt that they have the best interest of the child at heart. They have fulfilled the legal requirements for adoption under the provisions of the Children Act. I agree that adoption will offer baby Z a perfect alternative family and he shall gain parents and other siblings.

[7] From the background stated in the reports the child's biological father was not mentioned at the time their mother gave her up for adoption. There is no indication that he even exercised parental responsibility over the child since his birth. I therefore exercise my discretion and dispense with his consent in view of the circumstances narrated in all the report before this court in line with section 159 (1) of the Children's Act. The mother consent was dealt with at the child's birth.

[8] I am persuaded that the orders sought are merited. The applicants have undertaken to care for the child love and provide for him. It would be in the best interest of the child to be adopted by the applicants. This court therefore authorizes the applicants **SAA** and **CM** to adopt **Baby E Z O** . The child shall henceforth be known as **REA**. The Registrar shall make the appropriate entry in the adoption register. The guardian ad litem is discharged. It is so ordered.

Dated, signed and delivered this 22nd day of September 2016

R. E. OUGO

JUDGE

In the presence of:

.....for the Applicants

Charity Court clerk.