



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
ADOPTION CAUSE NO. 252 OF 2014 (OS)
IN THE MATTER OF THE CHILDREN'S ACT NO. 8 OF 2001
IN THE MATTER OF ADOPTION OF BABY E M alias ABANDONED CHILD (UNKNOWN)

BY

L K R AND M T G (APPLICANTS)

JUDGMENT

1. The Applicants M T G and L K are in a monogamous marriage which was solemnized under the African Christian Marriage and Divorce Act Cap 151 laws of Kenya at Karen Blixen Museum, Nairobi on 22nd February, 2008 and were issued with certificate No. [particulars withheld]. They have no child of their own and wish to adopt the child known as Baby E M, a minor of male sex. They indicate that M T G is a self-employed ICT Consultant while L K is the head of HR Supply with [particulars withheld]. They reside in Westlands and are both Christians of the Methodist church.
2. The child who is the subject of this adoption proceedings was left with one, B M at BP Stage Kawangware on 22nd May 2013 by his mother who pretended to go for a short call and never came back. The matter was reported at Riruta Police Station and an entry was made to that effect vide OB 26/23/05/2013.
3. On 23rd May 2013, the child was referred to Dagoretti Children's Centre for care and protection. She was later officially committed to the same home on the 2nd September 2013 by the Senior Resident Magistrate at the Children's Court Nairobi, vide P&C Case No. 222/2013. A letter dated 25th November, 2013 from Riruta Police Station confirms that the biological parents of the child were not traced nor did anyone come forward to claim the child.
4. The child was declared free for adoption on 5th February 2014 by the Little Angels Network vide certificate No. [particulars withheld]. He was released into the custody of the Applicants for mandatory foster care pending adoption in December 2014. Since then he has been in the continuous custody and care of the Applicants. Prior to the hearing of the adoption application, Little Angels Network, an adoption society, prepared and filed a report in court.
5. The Adoption Society, guardian ad litem and the Director of Children's Services have all made home visits and established that the Applicants are financially and emotionally capable of providing for the up keep and education of the child. The Director of Children's Services also filed a report dated 3rd February, 2015 recommending the adoption for reasons that the child stands to gain from the opportunities provided by becoming the son of the Applicants as opposed to living all his life in an institution. The guardian ad litem, M/s. H H M also filed a report that was favourable and recommended

the adoption of the child by the Applicants.

6. The child was in court during the hearing and appeared to have bonded well with the Applicants. He was jovial and clearly considered the Applicants as his parents. Both extended families of M T G and L K support the adoption.

7. After a careful assessment of the reports filed herein and from the observation of the interaction of the Applicants and the child during the hearing, this court has formed the opinion that it would be in the best interest of the child to be adopted by the Applicants. In the premise I allow the prayers sought in the Originating Summons dated 24th October 2014 and order as follows:

- i. The Applicants M T G and L K are hereby allowed to adopt baby **E M** who shall henceforth be known as **W M G**.
- ii. His date of birth shall be presumed to be 19th May 2013. He is presumed to have been born in Kenya and the place of birth shall be Kawangware, Nairobi.
- iii. C N G (male Applicant's sister in law), is hereby appointed legal guardian of the child in the event that the Applicants die or are incapacitated by ill-health.
- iv. I direct the Registrar General to enter this order in the Adoption Register.
- v. The guardian ad litem is hereby discharged.

It is so ordered.

SIGNED DATED and **DELIVERED** in open court this **17th day** of **April 2015**.

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L. A. ACHODE

JUDGE