



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO.317 OF 2013.

IN THE MATTER OF THE CHILDREN ACT NO. 8 OF 2001

AND

IN THE MATTER OF CHILD P.B. (CHILD)

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION BY

E R N M

AND

K A O M

JUDGMENT

1. The applicants E R M and K A O M are a married couple. The 1st applicant is a Rwandese citizen working as an **[particulars withheld]** with the **[particulars withheld]**; while the 2nd applicant is a Kenyan citizen working as a network administrator. The couple has three biological children. They have filed this originating summons dated 6th December 2013 seeking to be allowed to adopt child P.B.
2. Child P.B. is 2 years and 5 months old and was reported to have been found abandoned by unknown person(s) outside Kanyakine District Hospital on 9th December 2012. He was admitted at the said hospital from where he was discharged to New Life Home, Nyeri on 2nd January 2013. He was formally committed to the said Home on the same day by the Children's Court at Nkubu vide Protection & Care Case No. 1/2013. He was later transferred to New Life Home Kilimani in Nairobi. Police efforts to trace the child's biological parents have been futile, and neither has anyone come forth to claim the said child. The Little Angels Network Adoption Society declared the child free for adoption on 26th February 2014 and freeing certificate No. **[particulars withheld]** to that effect issued. The child was placed with the applicants for mandatory bonding period on 12th September 2013. He has been under the applicants' continuous care since then. It should be noted that this placement of the child with the applicants before being declared free for adoption violates the provisions of **section 156 of the Children Act**. It is, however, in the best interests of the child that this violation should not stand in the way of the sought adoption.
3. The reports filed in court by the Director of Children Services as well as the guardians *ad litem* C C.O-S and R O. O show that the applicants are financially, socially, emotionally and morally stable. The child is reported to have bonded very well with the applicants. The adoption has the support of the whole family, including the applicants' three biological children. This court is of the opinion that the best interests of the child will be served by this adoption as it will enable the child

grow and develop in a family set-up as opposed to life in an institution. The applicants will assume all the rights and obligations of the parents of the child, and treat the child as if it was born to them. The child will be entitled to inherit their property. Further, this adoption shall be final and binding during the child's lifetime, and the applicants will not give it up owing to any subsequent unforeseen behaviour or other changes.

4. The consent of the biological parents of Baby P.B. is hereby dispensed with as the baby was abandoned and their whereabouts unknown. This court is satisfied that the applicants have met all the requirements for an adoption under the **Children Act, 2001**. The following orders shall issue:-
 - a. E R M and K A M are hereby allowed to adopt baby P.B. who shall henceforth be known as A M O M;
 - b. the child shall be presumed to be Kenyan having been found abandoned outside Kanyakine District Hospital, and his date of birth shall be 9th October 2012;
 - c. C C O-S is hereby appointed the legal guardian of the child should anything happen to the applicants before he is of age;
 - d. the Registrar General is directed to enter this adoption in the Adoptions Register;
 - e. the Director of Immigration Services is hereby ordered to issue A M O M with a Kenyan Passport; and
 - f. the guardians *ad litem* is hereby discharged.

DATED at NAIROBI this 13th day of April 2015

A.O. MUCHELULE

JUDGE

DELIVERED at NAIROBI this 16th day of April 2015

W. MUSYOKA

JUDGE