



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**ADOPTION CAUSE NO. 44 OF 2015 (OS)**

**IN THE MATTER OF THE CHILDREN'S ACT NO. 8 OF 2001**

**IN THE MATTER OF ADOPTION OF BABY B B Alias E M Alias ABANDONED CHILD B B**

**BY**

**J N K AND F W G (APPLICANTS)**

**JUDGMENT**

1. The Applicants J N K and F W, are in a monogamous marriage which was solemnized at [particulars withheld] in Nairobi on 3<sup>rd</sup> December 2005. They have two children namely, J W N aged 8 years and J N N aged 6 years. They wish to adopt the child known as Baby B B a minor of male sex through the Originating Summons dated 30<sup>th</sup> January 2015. They indicate that J N K is a Head of sales with [particulars withheld] Kenya Ltd, while F W is a Business Manager with [particulars withheld] Group. They reside in Kileleshwa and are both Christians of the Protestant church.
2. The child who is the subject of this adoption proceedings, according to Machakos Police Station letter Ref: C/GEN/11/4/VOL.II/4 dated 28<sup>th</sup> August, 2013, was found abandoned in Machakos County on 22<sup>nd</sup> July, 2013. He was rescued by a herdsman and the matter reported at Machakos Police Station and an entry was made vide OB No. 58/22/7/2013. The Police referred him to Machakos Level V Hospital for medical attention. On 29<sup>th</sup> August, 2013 he was released to New Life Home Trust Nairobi, for care and protection. On the same day, the child was officially committed to the same home by the Senior Resident Magistrate at the Children's Court Machakos, vide P&C Case No. 77/2013. A letter dated 26<sup>th</sup> March 2014 from the Machakos Police Station indicates that the biological parents of the child were not traced nor did anyone come forward to claim the child.
3. The child was declared free for adoption on 25<sup>th</sup> June 2014 by the Little Angels Network Adoption Society vide certificate No. [particulars withheld]. He was released into the custody of the Applicants for mandatory foster care pending adoption on 26<sup>th</sup> June 2014. The Applicant also signed a Foster Care Agreement dated 8<sup>th</sup> November, 2013. 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.
4. 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.

5. The Director of Children’s Services also filed a report dated 31<sup>st</sup> July 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, Mr. S O O 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 related way the with Applicants. Both extended families of J N K and F W 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. Reasons wherefore I allow the prayers sought in the Originating Summons dated 30<sup>th</sup> January 2015 and order as follows:
  - i. The Applicants, J N K and F W are hereby allowed to adopt baby **B B** who shall henceforth be known as **E B G N**.
  - ii. His date of birth shall be presumed to be 22<sup>nd</sup> July 2013. He is presumed to have been born in Kenya and the place of birth shall be Machakos.
  - iii. B M M and B W G (female Applicant’s brother-in-law and sister) respectively are hereby appointed legal guardians 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 Director of Immigration is hereby authorised to issue the child with a Kenyan passport.
  - vi. The guardian ad litem is hereby discharged.

It is so ordered.

**SIGNED DATED and DELIVERED in open court this 30<sup>th</sup> day of October, 2015.**

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**L. A. ACHODE**

**JUDGE**