



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
ADOPTION CAUSE NO. 231 OF 2014 (OS)
IN THE MATTER OF THE CHILDREN'S ACT NO. 8 OF 2001
IN THE MATTER OF ADOPTION OF BABY J
BY
G NM AND JKN (APPLICANTS)

JUDGMENT

1. The Applicants GNM and JKN, are in a monogamous marriage which was solemnized in Nairobi on 28th November 1998. They have no child of their own. They wish to adopt the child known as Baby J a minor of female sex. They indicate that GNM is a driver with [particulars withheld] while JKN, is a Business woman. They reside in Kitengela and are both Christians of the Protestant church.
2. The child who is the subject of this adoption proceedings, according to a letter Ref. [particulars withheld] dated 30th August 2008 from the Officer Commanding Kasarani Police Station, was found abandoned at [particulars withheld], she was rescued by one Margaret Nduta and was admitted to Missionaries of Charity Children's Home on the same day.
3. On 24th June 2009, the child was later officially committed to the same home by the Senior Resident Magistrate at the Children's Court Nairobi, vide P&C Case No. 312/09. Investigations indicate 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 30th July 2009 by the Kenya Children's Home Adoption Society vide certificate No. [particulars withheld]. She was released into the custody of the Applicants for mandatory foster care pending adoption on 5th August 2009. Since then she has been in the continuous custody and care of the Applicants. Prior to the hearing of the adoption application, Kenya Children's Home, 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.
6. The Director of Children's Services also filed a report dated 15th May 2015 recommending the adoption for reasons that the child stands to gain from the opportunities provided by becoming the daughter of the Applicants as opposed to living all her life in an institution. The guardian ad litem, Mr. PMM also filed a report that was favourable and recommended the adoption of the child by

the Applicants.

7. The child was in court during the hearing and appeared to have bonded well with the Applicants. She was jovial and clearly considered the Applicants as her parents. Both extended families of GNM and JKN support the adoption.
8. 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 3rd October 2014 and order as follows:
 - i. The Applicants, GNM and JKN are hereby allowed to adopt baby **J** who shall henceforth be known as **EPWN**.
 - ii. Her date of birth shall be presumed to be 23rd August 2008. She is presumed to have been born in Kenya and the place of birth shall be Roysambu.
 - iii. PMG and AWM (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 **23rd** day of **October 2015**.

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L. A. ACHODE

JUDGE