

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 285 of 2014

IN THE MATTER OF ADOPTION OF BABY E H

And

IN THE MATTER OF THE APPLICATION FOR ADOPTION

BY

A I N M AND A C W (APPLICANTS)

JUDGMENT

1. The applicants **A I N M** and **A C W** seek to be authorised to adopt baby **E H** and upon making the adoption the child be called **E H M M** and that **D M M** and **G M G** the 1st and 2nd applicants brother and sister respectively be appointed the legal Guardians of the child in the event that of their death or incapacity before the child is of full age and self-reliant.
2. The applicants are Kenyan citizens born on 19th July 1966 and 23rd July 1968 respectively. They have been married for over 19 years, since 22nd July 1995. The 1st applicant is the Director at [particulars withheld] Limited whereas the 2nd applicant is a Co-Director of [particulars withheld] ICT Exhibition and conference Limited. Neither has ever been charged or convicted of a criminal offence or any offences referred to in the third schedule of the Children's Act 2001. They are both in good health both physically and mentally and are able to provide for a child. They were investigated by Little Angels Network Adoption Society and found to be fit adoptive parents.
3. Baby E was found abandoned on 30th August 2013 at Jesuit Refugees Service along Gitanga road. The matter was reported to Lang'ata police station and booked as O.B. [particulars withheld] . Upon rescue he was rushed to St Mary's Mission hospital where she was examined and referred to Kenyatta National Hospital where she was admitted as she had been born prematurely. The child was later transferred to New life Home Trust where she was committed on 23rd July 2014 under Protection and Care Case no.[particulars withheld] by the Children's Court. Lang'ata Police Station in their letter dated 15th July 2014 confirmed that they had not received any claim on the child and that their investigations on the child's parentage bore no fruits. The child was declared free for adoption by Little Angels Network Adoption Society on 27th August 2014 and issued with a Certificate serial no. [particulars withheld] . The child was placed with the applicants on 30th August 2014 and the child has been under their care and control for over 3 months.
4. The Department of Children's Services filed its report on 16th July 2015. The report is favourable. It was observed that the applicants are mature and financially capable to adequately cater to the child. The child has bonded well with the applicants. It was observed that they have fulfilled the legal requirements for adoption and recommends that the applicants be allowed to adopt.
5. The guardian ad litem report was filed on 23rd January 2015. The reporter observes that the applicants have bonded well with the child further that the applicants are financially capable to maintain the child. The report is favourable and recommends the applicants to adopt baby Erin.
6. Having considered the above and the reports filed herein this court has formed the opinion that it would be in the best interest of the child to be adopted by the Applicants. The applicants' application is allowed. The Applicants **A I N M** and **A C W** hereby allowed to adopt baby **E H** who shall henceforth be called **E H M M**. **D M M** and **G M G** (the 1st and 2nd applicants brother and sister respectively) shall be the legal Guardians of the child in the event that of their death or incapacity before the child is of full age and self-reliant. I direct the Registrar General to enter this

order in the adoption register. The child was born in Kenya, is therefore a Kenyan by birth, and is entitled to all the rights that accrue to Kenyan Citizens under the Kenya Constitution 2010 and the Kenya Citizenship and Immigration Act. I hereby discharge the Guardian ad litem. Cost in the cause. It is so ordered.

Dated signed and delivered this **24th** Day of **November**
2015.

R. E. OUGO

JUDGE

In the Presence of:

.....**Applicants**

Ms. Charity Court clerk