



**REPUBLIC OF KENYA**

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

**ADOPTION CAUSE NO. 60 of 2015**

**IN THE MATTER OF ADOPTION OF BABY E A**

**And**

**IN THE MATTER OF THE APPLICATION FOR ADOPTION**

**BY**

**W O O AND L N W (APPLICANTS)**

**JUDGMENT**

1. The applicants **W O O** and **L N W** seek to be authorised to adopt baby E A and upon making the adoption the child be called **G J G** and that **R B K** and **A M** 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 12<sup>th</sup> September 1979 and 9<sup>th</sup> September 1986. They have been married for over 4 years. The second applicant at the time of this application was pregnant. The first applicant is a Finance Manager at *[particulars withheld]* while the second applicant is the owner of *[particulars withheld]*.
3. Baby E was found abandoned on 16<sup>th</sup> April 2014 at *[particulars withheld]* in Gatundu by a good Samaritan who reported to the local chief and working with a local volunteer Children's officer, they reported the matter to Gatundu police station. The volunteer Children's officer stayed with the baby until the Gatundu District Children's officer secured him a vacancy at New Life Home trust in Kilimani on 23<sup>rd</sup> August 2014. On 12<sup>th</sup> August 2014, The Gatundu District officer presented the child in court and he was committed to their legal custody to New life Trust-Kilimani on 23<sup>rd</sup> April 2014. In their final letter dated 17/10/2014, the police confirmed that the investigations in the matter had not borne any fruits. The child was declared free for adoption by Little Angels Network on 29<sup>th</sup> October 2014 and issued with a certificate no. *[particulars withheld]*. The child was placed with the applicants for foster care and guardianship on 30<sup>th</sup> October 2014 and has been in their care and control for more than 3 months.
4. The guardian ad litem report was filed on 1<sup>st</sup> October 2015. The reporter observes that the applicants have adopted well with the child further that the applicants are financially capable to maintain the child. The report is favourable and recommends the adoption of baby G J G. The Department of Children's services filed their report on 12<sup>th</sup> August 2015. In the report it was observed that the child had bonded well with the applicants they are financially capable to maintain the child and that despite the arrival of their biological son months after being placed with them their perceptions of him have not changed. The report is favourable and recommends the applicants to adopt baby E.
5. 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.
6. The applicants' application is allowed. The Applicants **J W O O** and **L N W** are hereby allowed to adopt baby **E A** who shall henceforth be called **G J G**. **R B K** and **A M** are 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. 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 **24<sup>th</sup>** Day of **November** 2015.

**R. E. OUGO**

**JUDGE**

In the Presence of:

.....**Applicants**

**Ms. Charity Court clerk**