



**REPUBLIC OF KENYA**

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

**FAMILY DIVISION**

**ADOPTION CAUSE NO. 306 OF 2014**

**IN THE MATTER OF**

**BABY E W.....THE CHILD**

**AND**

**J T B.....1<sup>ST</sup> APPLICANT**

**A L B.....2<sup>ND</sup> APPLICANT**

**JUDGMENT**

1. **J T B** and **A L B** hereinafter referred to as the applicants seek to be authorized to adopt **Baby E W**. They seek that if allowed the baby be known as **E B**. That **G D G** and **M J G** be appointed the legal guardians of the child in the event of the death or incapacity of the applicants before the child attains majority. That the child be presumed to be a Kenya Citizen by built and that the Registrar General be directed to enter the adoption in the adopted Children Register.

The applicants are residents in Kenya and stay in Kitale. They wish to adopt the child born on the [particulars withheld] 2013 at Kitale District Hospital and abandoned the same day. They are citizens of the USA born on the 6/11/70 and 12/11/62 respectively. They have been resident in Kenya since December 2010 and have made Kenya their home. They are a married couple. They celebrated their marriage on the 9/9/95. They have 3 children 2 biological and one adopted child. The United States of America Citizen and Inauguration Services have confirmed that in the event they relocate back to the US Kenya's Adoption order will be recognized and the child will be grant US Citizenship. They are missionaries and administrators of Kenya Church of Christ's Children's Home on secondment from the [particulars withheld] church in Shoreline, Washington State, United States of America.

2. Baby E W was estimated to have been born on the [particulars withheld] 2013. She was reported abandoned at Kitale District Hospital immediately after birth and the matter was reported to the DCO Trans Nzoia through a letter dated 8/10/2013. The matter was recorded under O.B [particulars withheld] . A vacancy was secured for the child at Kenya Child of Christ on 30/9/2013 and on the 12/3/2014 the child was presented before the Chief Magistrate Court Kitale for committal for the custody of home vide protection and care no. 49 of 2014 for 3 years. The minor was placed under the care and control of the applicants through SCCO on the 9/5/2014 and she has been under their care since then. The child was declared free for adoption by KKPI Adoption Society on the 26/11/14 and a certificate No. 442 was issued on the said date.
3. The adoption agency report on the applicants is favourable. The applicants have been assessed and found to have parental skills and have given the child love and protection. They are taking care of other children. They have no criminal record and have never been rejected as adoptive parents, they have adopted before. They are financially stable and have adequate resources to cater for the child. It is reported that their social, spiritual and moral standing is satisfactory and they are able to take care of the child. I note that the applicants have met the legal adoption requirements as per the

children act. The 2<sup>nd</sup> applicant has attached their work resident permit No.[particulars withheld] issued on the 7/4/2014 which is valid for 3 years. There is also a letter dated the 28/5/2014 from the US citizenship and Immigration services detailing the process by which Kenyan child may become a citizen of the USA.

4. They have been resident in Kenya since December 2010 they qualify to adopt Baby E. It would be in the best interest of the child that she be adopted by the applicants as she will gain from the opportunities presented to her by being their child. She will have a permanent home care and love from the applicants.
5. This court dispensed with the assessment of the Director of Children Services report on the 6/11/15. Based on the reports and findings made, I see no reason why the applicants who are residents in Kenya should not be authorized to adopt baby E. I therefore authorize the applicants to adopt baby **E W**. She shall be known as **E B** and **G D G** and **M J G** are appointed the legal guardians of the child in the event of the death or incapacity of the applicants. The child shall be presumed to be a Kenyan Citizen by birth. The Registrar General be directed to enter the adoption in the adopted children register. The guardian ad litem is discharged It is so ordered.

**Dated, signed and delivered this 11<sup>th</sup> day of December 2015**

**R. E OUGO**

**JUDGE**

.....For the Applicants

**Mr.Ekidor**

Court Clerk