



**In re Adoption of Baby JE (Adoption Cause E097 of 2024)
[2024] KEHC 13893 (KLR) (Family) (3 October 2024) (Judgment)**

Neutral citation: [2024] KEHC 13893 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

FAMILY

ADOPTION CAUSE E097 OF 2024

SN RIECHI, J

OCTOBER 3, 2024

IN THE MATTER OF AN APPLICATION FOR THE ADOPTION OF BABY JE

IN THE MATTER OF

EMOO 1ST APPLICANT

CNMO 2ND APPLICANT

JUDGMENT

1. The Applicants, EMOO and CNO are in a monogamous marriage which was solemnized on 26th May 2012, at xxx Church within Nairobi County as evidenced by a copy of their marriage certificate serial number 080xxx.
2. The 1st applicant is a Kenyan Citizen aged 38 years old born on 28th December 1985 as evidenced by a copy of his National Identification Card number 2505xxxx attached to the summons. The 2nd applicant is an American Citizen aged 35 years old born on 11th May 1989 as evidenced by a copy of her passport number 66825xxxx.
3. The applicants have two biological children namely KIO born on 13th May 2014, and EAO born on 7th December 2016 as evidenced by copies of their respective birth certificates attached to the application.
4. The applicants now wish to adopt a male child known as Baby Justus Elias through the Originating Summons dated 22nd April 2022.
5. From the pleadings, the court finds that the 1st applicant is a missionary and a pastor. The 2nd Applicant is a social worker. The applicants reside in Four Junction within Nairobi County. Both profess Christian faith.
6. The evidence on record indicate that the minor was presumably born on 10th March 2023 in Naivasha County within the Republic of Kenya. The child was found abandoned along Naivasha-Nairobi stage.



7. The matter was reported to Naivasha Police Station where it was recorded vide Occurrence Book Number 7/10/3/2023 as evidenced by the police initial letter dated 5th June 2023 attached to the application.
8. The Ocs Naivaisha Police station referred the child to Naivaisha County hospital and also informed the Naivasha Sub County Children's officer of the child's abandonment and requested them to facilitate the child's admission at children's facility pending further investigation.
9. referred the child to Fatima Children Care and Nutrition Center and vacancy was availed as evidenced by attached copy of the Admission Form attached to the application.
10. The Naivasha Sub-County officer secured temporary placement place for the child at Limuru Children Center and the child was admitted to the said center as evidence by referral letter dated 23rd March 2023 attached to the application.
11. The evidence on record indicate that on 23rd March 2023 the child was committed by Naivasha Children's Court for a period of 3 years to Limuru Children Center through Protection and Care Number E086 OF 2023 as evidenced by a copy of the committal summary and order attached to the application.
12. The Naivasha Police Station issued a final letter dated 17th November 2023 in which it stated that no one went to claim for the abandoned child and their efforts to trace the child's relatives proved futile as evidenced by a copy of the final police letter attached to the application.
13. Prior to the hearing of the adoption application, Irine Ogutu from Buckner Kenya Adoption Services prepared and filed a report dated 30th August 2024 . They also issued a Certificate serial number 0746 declaring the child free for adoption as evidenced by the copies of report and certificate declaring a child free for Adoption attached to the application.
14. The child was placed under the foster care of the applicants on 14th November 2023 pending adoption as evidenced by a copy of the foster care agreement attached to the application.
15. The applicants stated that they have no previous criminal record and no pending criminal prosecution as evidenced by their respective police clearance certificates attached to the application. The applicants are both physically and emotionally fit and healthy to parent, love and care for the child as evidenced by copies of their Medical reports attached to the application.
16. The applicants are financially stable and they are therefore able to provide fully for the child's need as evidenced by copies of their financial documents attached to the application.
17. The guardian ad litem Dorine Achieng Siro filed a report dated 30.8.2024 which was favourable and recommended the adoption of the child by the Applicants.
18. Mary Atati Assistant Director OF Children Services conducted home visits and established that the applicants are financially and emotionally capable of providing for the upkeep and education of the child and filed a report dated 14.6.2024 recommending the adoption for reasons that the child stands to gain from the opportunities provided by becoming the son of the Applicants and that the Applicants have fulfilled the statutory requirements.
19. The legal guardian Jackline Akinyi Okeyo consented to be appointed as legal guardian of the child and he filed a letter of consent attached to the application.
20. This is a local adoption and from the record the Applicants have fulfilled all the legal requirements relating to the adoption of the child. The consent of the biological parents was dispensed since their



whereabouts is unknown. The child was in court during the virtual hearing and appeared to have bonded well with the Applicants.

21. I have examined the evidence herein and best interest of the child as required in Article 53 (2) of the *Constitution* and Section 8 the *Children's Act*, 2022. I find that it is in the best interest of the child to be adopted by the Applicants. I therefore allow the prayers sought in the amended originating Summons dated 22nd April 2024 and Order as follows:

- i. The Applicants EMOO and CNO are hereby allowed to adopt Baby JE who shall henceforth be known as JJO
- ii. He is presumed to have been born in Kenya in accordance with Article 14(4) of the Constitution and his date of birth shall be 10th March 2023 in Naivasha County.
- iii. JAO is hereby appointed the legal guardian of the child.
- iv. The Registrar General is directed to enter this Order in the Adopted Children Registry.
- v. The guardian ad litem is hereby discharged.

DATED AT NAIROBI THIS 3RD DAY OF OCTOBER, 2024

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S. N. RIECHI

JUDGE

