



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

FAMILY DIVISION

ADOPTION CAUSE NO. 16 OF 2019 (OS)

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF AN APPLICATION FOR AN ADOPTION OF BABY EO ALIAS MO ALIAS UBB

IN THE MATTER OF AN APPLICATION FOR ADOPTION BY

SOO.....1st APPLICANT

DAO.....2ND APPLICANT

JUDGMENT

1. The applicants SOO and DAO are a Kenyan couple aged 57 and 55 years, respectively. The 1st applicant is a civil servant employed by the Ministry of [particulars withheld] while the 2nd applicant is a secretary at the [particulars withheld]. They solemnized their marriage on 28th October 2006 at [particulars withheld] P.E.F.A Church in Nairobi. The couple has no child of their own. On 4th March 2019 they filed this originating summons seeking to adopt Baby EO alias MO alias UBB.

2. Baby EO alias MO alias UBB was according to his birth certificate born on the 3rd August 2013 to one MA at Bungoma District Hospital. The mother was epileptic and psychotic. After giving birth she suffered a minor illness and died on 23rd August 2013. No one claimed her body or the child and efforts to trace her relatives did not bear fruits. The matter was reported at Bungoma Police Station vide O.B. No. xx/x/x/13. The child was temporarily placed at Rehema PEFA Children's Home. He was formally committed to the same Home by the Principal Magistrate's Court at Bungoma vide **Care and Protection Cause No. 57 of 2013** on the 17th September 2013. On the 28th February 2017 the child was declared free for adoption vide Certificate No. [particulars withheld] by Little Angels Network. On 16th December 2017 the child was placed with the applicants for foster care. He has been with them since.

3. On 16th May 2019 the court appointed JWG as the guardian *ad litem* and ordered him and the Director of Children Services to each prepare and file the requisite reports within 45 days after carrying out a social inquiry on the applicants to determine their suitability to adopt the child. The two reports were filed. Both recommended the applicants to be allowed to adopt the child. The reports found that the applicants were socially, emotionally and financially stable and suitable to adopt the child. It was also found that the child had bonded well with the applicants.

4. The court finds that it is in the best interest of the child to be adopted by the applicants. The applicants have demonstrated their capability to provide a conducive home and family environment in which the child will grow and develop. They will assume all parental rights and obligations of the biological parents of the child once adopted, and shall treat him as if he was born to them. They have been made aware that once the adoption order is made, it shall be final and binding during the lifetime of the child. The child shall have the right to inherit their property. The applicants shall not be able to give up the child owing to any subsequent unforeseen behaviour or other changes in the child.

5. Having been satisfied that all the legal requirements for a local adoption under the **Children Act** have been met, the following orders shall issue:-

a) the applicants SOOO and DAO are hereby allowed to adopt Baby EO alias MO alias UBB.;

b) Baby EO alias MO alias UBB. shall henceforth be known as ESO;

c) the child's date of birth shall be 3rd August 2013, and shall be presumed Kenyan citizen having born at Bungoma District Hospital

in Kenya;

d) BON and GO are hereby appointed as the child's legal guardians in the event of the death or incapacity of the applicants before he is of full age and fully self-reliant;

e) the Registrar-General is directed to enter this adoption in the Adopted Children Register; and

f) the guardian *ad litem* is hereby discharged.

DATED AND DELIVERED AT NAIROBI THIS 13TH DAY OF MAY 2021

A.O. MUCHELULE

JUDGE