



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

FAMILY DIVISION

ADOPTION CAUSE NO. 20 OF 2020 (OS)

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

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

CMI.....1ST APPLICANT

AWG.....2ND APPLICANT

JUDGMENT

1. The applicants CMI and AWG are a Kenyan couple aged 47 and 46 years, respectively. They do business in Nairobi. They solemnised their marriage on the 9th August 2003 at [Particulars withheld] in Nairobi County. They filed this originating summons dated 18th February 2020 seeking to adopt Baby MB.

2. Baby MB was born to CN on the 1st August, 2017 at Gucha Cottage Nursing Home and was abandoned at the facility on the same day. The matter was reported to Keroka Police Station and recorded on O.B NO. [...]. On the 4th August 2017, the child was discharged from the hospital and committed to New Life Home Trust Kisumu by the Keroka Children's Court vide **Protection and Care Case No. [...]**. The final police letter from the Keroka Police Station dated 25th September 2018 indicated that the search for the mother and relatives of the child was in vain. The child was declared free for adoption by Little Angels Network vide Certificate No. [...] on 3rd October 2018. On 9th November 2018 the child was placed with the applicants for foster care. He has been with them since.

3. On 2nd July 2020, the court appointed CSS as the guardian *ad litem* and ordered her and the Director of Children Services to separately carry 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 them.

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 CMI and AWG are hereby allowed to adopt Baby MB;

b) Baby MB shall henceforth be named BKGI;

c) the child's date of birth shall be 1st August 2017, and shall be presumed Kenyan citizen having born at Gucha Cottage Nursing Home in Kisii County in Kenya;

d) TTW and GWK are hereby appointed as the child's legal guardians in the event of the death or incapacity of the applicant before she is of full age and fully self-reliant;

- e) the Registrar-General is directed to enter this adoption in the Adopted Children Register;
- f) the Director of Immigration is ordered to issue the child with Kenyan passport; and
- g) the guardian *ad litem* is hereby discharged.

DATED AND DELIVERED AT NAIROBI THIS 17TH DAY OF JUNE 2021.

A.O. MUCHELULE

JUDGE