



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**FAMILY DIVISION**  
**ADOPTION CAUSE NO. 129 OF 2019 (OS)**  
**IN THE MATTER OF THE CHILDREN ACT, 2001**

**AND**

**IN THE MATTER OF BABY M.E.**

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

JKG.....1<sup>ST</sup> APPLICANT

HWK.....2<sup>ND</sup> APPLICANT

**JUDGMENT**

1. The applicants JKG and HWK are a Kenyan couple aged 50 and 41, respectively. The 1<sup>st</sup> applicant is a self-employed architect while the 2<sup>nd</sup> applicant is a business lady. They married in church on 26<sup>th</sup> August 2006. They have four biological children. On 3<sup>rd</sup> October 2019 they filed this originating summons seeking to adopt Baby M.E.

2. Baby M.E. was born on 8<sup>th</sup> April 2012 at Pumwani Maternity Hospital and abandoned at the Hospital by his mother. The matter was reported at Shauri Moyo Police Station vide OB No. XX. The baby was committed to Hope House Babies' Home for a period of three years by the Nairobi Children's Court via Protection and Care Case No. XX of 2013. Two letters from the Police dated 27<sup>th</sup> June 2012 and 12<sup>th</sup> August 2013 confirmed that that matter was reported and investigations to trace the mother of the child had borne no fruits. No one had laid claim to the child. The child was declared free for adoption on 25<sup>th</sup> October 2013 vide Certificate No. XX by the Kenyans to Kenya Peace Initiative Adoption Society. The child was placed with the applicants on 14<sup>th</sup> November 2013 for bonding.

3. On 21<sup>st</sup> November 2019 the court appointed WK as the guardian *ad litem* to the child and ordered her and the Director of Children Services to within 45 days prepare and file the requisite reports after carrying out a social inquiry on the applicants to determine their suitability to adopt the child. The two reports were filed each recommending 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 and the applicants had bonded well.

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 ability 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. This court notes that the child was abandoned and therefore the consent of the mother is dispensed with.

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 JKG and HWK are hereby allowed to adopt Baby M.E.;
- b) Baby M.E. shall henceforth be known as KGK;
- c) the child shall be presumed to be Kenyan having been born in Pumwani Hospital in Kenya to a Kenyan woman;

d) MOM is hereby appointed to be the child's legal guardian in the event of 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, DELIVERED AND SIGNED AT NAIROBI THIS 16TH JULY 2020**

**A.O. MUCHELULE**

**JUDGE**