



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

ADOPTION CAUSE NO. 1 OF 2020

IN THE MATTER OF BABY A A.K.A AE.....INFANT

AND

EW1ST APPLICANT

MAO.....2ND APPLICANT

JUDGMENT

1. What is before me is the Originating Summons dated 17th January, 2020 brought under Section 158 (1), (b), 157 and 160 and all other enabling provisions of the Children Act. It seeks orders:

- 1) *That the minor herein [Baby A.] be presumed a Kenyan citizen.*
- 2) *That the Court dispenses with the consent of the biological parents to the minor.*
- 3) *Spent*
- 4) *Spent*
- 5) *That the Applicants be authorized to adopt Baby A to be known as AE.*
- 6) *That EOO of Post Office Box Number [...], Nakuru in the Republic of Kenya be appointed Legal Guardian of the minor.*
- 7) *That it be directed that the Registrar General shall make in the Adopted Children Register an entry recording the adoption in accordance with the particulars set out in the schedule to this order.*
- 8) *That the Registrar of Births and Deaths be and is hereby directed to issue the child with a certificate of birth in the name of AE.*

2. The Summons is supported by the joint statement by the Applicants. The Joint Statement demonstrates that the Minor was born or about 10/01/2013 at [Particulars Withheld] Nairobi. The Minor was found abandoned at Machakos Country Bus Station.

A committal order was made at Nairobi Children's Court and is attached to the Joint Statement. The Child was committed to Missionaries of Charity Home for care and protection.

3. The Minor was declared free for adoption by Child Welfare Society of Kenya. A copy of the Certificate of Declaring a Child Free for Adoption issued under section 156(1) of the Children Act dated 06/05/2014 is attached to the Joint Statement.

4. The Applicants are Kenyan citizens. They got married on 27/10/2007 under African Christian Marriage and Divorce Act. The husband is an Administrator while the wife is a Clinical Officer. They have no biological children of their own. They are, by the documents produced in Court, financially capable and are perfectly willing to assume the responsibility of bringing up the Minor. They attached copies of their bank statements and copies of title deeds to their properties.

5. The Applicants have attached copies of Certificates of Good Conduct showing that they have never been convicted of any criminal offence. All the information placed before me demonstrates that the Applicants are emotionally and financially stable individuals who are fit to take the parental responsibility to the minor.

6. The Applicants were investigated by the Child Welfare Society of Kenya and found to be fit as adoptive parents. A copy of the Pre-Placement Report was annexed.

7. The Court appointed AW as the Guardian ad litem to the minor and directed him to file a report with the Court.

The Court also requested the Department of Children's Services to investigate the Applicants and file a report regarding their fitness to adopt the child. Both the report by the Guardian ad litem and the County Children's Coordinator were duly filed.

They are quite favourable to the Applicants and highly recommend the adoption.

8. The minor has been in the care and protection of the Applicants since May, 2014. Both the Guardian ad litem and the County Children's Coordinator report that the child has bonded very well with the Applicants and that the minor identifies them as father and mother respectively.

9. The Applicants wish to have EOO as the Legal Guardian of the minor. Edwin has consented to this appointed and appeared before me to confirm so.

10. Both Applicants, the Guardian ad litem and the Legal Guardian appeared before me and satisfactorily answered questions posed by the Court.

11. Having considered all the evidence, perused all the documents I am persuaded that the Applicants are fit adoptive parents who will provide a suitable home and parentage for the minor herein. Consequently, I allow the Originating Summons and grant the following prayers:

- i. ***THAT the Applicants be and hereby authorized to adopt BABY A and the child shall be known as AE henceforth.***
- ii. ***THAT the Registrar-General do make appropriate entries in the adopted children's register in respect of the minor, AE.***
- iii. ***THAT*** the Registrar of Births and Deaths be and is hereby directed to issue the child with a certificate of birth in the name of AE
- iv. ***THAT EOO is appointed Legal Guardian to the minor herein.***
- v. ***THAT the Guardian ad Litem is discharged.***

Orders accordingly.

Dated and delivered in Nakuru this 15th day of October, 2020

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JOEL NGUGI

JUDGE