



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 21 OF 2018

IN THE MATTER OF THE CHILDREN ACT NO. 8 OF 2001

AND

IN THE MATTER OF APPLICATION FOR THE ADOPTION OF

BABY RE

AND

ORIGINATING SUMMONS OF AN APPLICATION FOR AN ADOPTION ORDER

BKW.....1ST APPLICANT

CAC2ND APPLICANT

JUDGMENT

1. The Applicants herein BKW and CAC. have filed this Originating Summons dated 18.2.2018 seeking orders that the Applicants be allowed to adopt Baby RE (hereafter referred to as the Child).
2. The Applicants are a married Couple since 6.8.2005. When they got married at [Particulars Withheld] Chapel under the African Marriage & Divorce Act. The 1st Applicant is an educationist at [Particulars Withheld] Charitable Trust while 2nd Applicant works as a social worker at [Particulars Withheld] Kenya.
3. The child was found abandoned by a good Samaritan on 23rd January 2016 in Nakuru and taken to Nakuru Police Station where the same was reported vide OB No. [xxxx].
4. The Child was referred to as the Africa Gospel Baby Centre for Care and Protection and formally committed vide care and Protection Case No. 7 of 2016 by the Molo Children's Court.
5. By letter dated 9.9.2016, the Nakuru Police Station confirmed that no claims had been received over the child and the child was subsequently declared free for adoption by little Angel's Network Adoption Society Vide Certificate Serial No. xxxx
6. The Applicants took care and control of the child on 15.12.2016.
7. The Applicants have appointed ISW and MKS as legal guardians of the Child.
8. The Guardian ad litem filed a report dated 16.7.2018 while the Director for Children Services Report is dated 3.10.2018. The Little Angels Network Adoption Society also filed their report dated 30.9.2016.
9. I have considered all the reports filed herein and I find that they are favorable and they recommend the adoption herein. I accordingly order as follows:

(i) THAT the Applicants meet the threshold for adoption of Baby RE

(ii) The Consent of the biological parent is dispensed with since the child was found abandoned.

(iii) That the Applicants be and are hereby authorized to adopt Baby RE and to name her LNAK.

(iv) THAT the child be presumed to be a Kenyan Citizen and be issued with a passport by the Director of Immigration.

(v) THAT ISW and MKS be and are hereby appointed as legal guardians of the Child in case of incapacity of the Applicants before the Child attains age of majority.

(vi) THAT the Registrar General be and is hereby directed to enter this order in the Adoption Register.

(vii) THAT the Guardian Ad Litem be and is hereby discharged.

DELIVERED, DATED AND SIGNED IN OPEN COURT THIS 3RD DAY OF MAY, 2019

ASENATH ONGERI

JUDGE OF THE HIGH COURT OF KENYA, NAIROBI.