



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI LAW COURTS
FAMILY DIVISION
ADOPTION CAUSE NO. 68 OF 2018
IN THE MATTER OF THE CHILDREN ACT 2001
AND
IN THE MATTER OF ADOPTION OF BABY E. A.

AND
IN THE MATTER OF AN APPLICATION FOR ADOPTION BY

AKM.....1ST APPLICANT
JJTM.....2ND APPLICANT

JUDGMENT

1. The applicants AKM and JJTM are married and have three children, two girls and a boy. The couple is aged 47 and 40, respectively. The man is an economist with the [particulars withheld] and the woman is a housewife. They are both well educated, locally and abroad. They have applied to adopt Baby E.A.
2. Baby E.A was found abandoned at [particulars withheld] area near Ruiru River by a good samaritan who took him to Ruiru Police Station where a report was made in OB No. 29/23/3/2017. He was estimated to have been born on 21st March 2017. He was committed to New Life Home Trust under Protection and Care Case No. 324 of 2017 by the children court at Nairobi on 28th July 2017. On 6th November 2017 the child was declared free for adoption by KKPI Adoption Society which issued a certificate under **section 156(1)** of the **Children Act**. On 24th November 2017 the child was handed over to the applicants for foster care before adoption. It has been with the couple since. Police reports show that the search for the parents of the child has not borne any fruit.
3. The court on 6th June 2017 appointed A W M as guardian *ad litem*. She was asked to assess the applicants and to make recommendations on their suitability to adopt the child. The Director of Children Services was asked to carry out a similar assessment. Each separately filed a report recommending the applicants to be allowed to adopt the child. The child was found to have bonded well with the applicants and their children. The applicants are financially, socially and emotionally stable and can take care of the child.
4. I have considered the originating summons and the facts of this case. I find that it is in the best interest of the child to be adopted by the applicants. The applicants will provide a conducive home and a 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 dispenses with the consent of the child's biological parents as he was found abandoned.
5. Having been satisfied that all the legal requirements for a local adoption under the **Children Act** have been met, I make the following orders:-

- a) the applicants AKM and JJTM are hereby allowed to adopt child E.A.;
- b) child E.A. shall henceforth be known as ENK;

- c) the child's date of birth shall be 21st March 2017, and shall be presumed Kenyan by birth having been found in Ruiru in Kenya;
- d) A W K is appointed 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 and DELIVERED at NAIROBI this 13TH day of DECEMBER 2018.

A.O. MUCHELULE

JUDGE