



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
ADOPTION CAUSE NO. 185 OF 2015 (OS)
IN THE MATTER OF THE CHILDREN'S ACT NO. 8 OF 2001
IN THE MATTER OF ADOPTION OF BABY S
BY
E M G AND R K N (APPLICANTS)

JUDGMENT

1. The Applicants E M G and R K N, are in a monogamous marriage which was solemnized at Breakthrough Chapel INT'L Mombasa on 11th September 2010. They have no child of their own. They wish to adopt the child known as Baby Samuel a minor of male sex, through the Originating Summons dated 22nd July 2015. They indicate that they are both self-employed businessman and woman respectively. They reside in Nyali Beach, Mombasa and are both Christians.
2. The child who is the subject of this adoption proceedings, was found abandoned at infancy by unknown persons in Riruta, Nairobi on 4th February 2014. He was rescued by a Good Samaritan by the name of Mary Njeri who reported the matter at Riruta Police Station and an entry was made vide OB No. 21/4/2/2014. The Police referred him to Hope House Baby Centre and he was admitted there. On the 23rd June 2014, the child was officially committed to the same home by the Resident Magistrate at the Children's Court Nairobi, vide P&C Case No. 139/2014. A letter dated 1st September 2014 from the Officer in Charge Station Riruta Police Station indicates that the biological parents of the child were not traced nor did anyone come forward to claim the child.
3. The child was declared free for adoption on 6th November 2014 by the Little Angels Network Adoption Society vide certificate No. 001568. He was released into the custody of the Applicants for mandatory foster care pending adoption on 1st December 2014. The Applicant also signed a Foster Care Agreement dated the same day. Since then he has been in the continuous custody and care of the Applicants. Prior to the hearing of the adoption application, Little Angels Network, an adoption society, prepared and filed a report in court.
4. The Adoption Society, guardian ad litem and the Director of Children's Services have all made home visits and established that the Applicants are financially and emotionally capable of providing for the up keep and education of the child.
5. The Director of Children's Services also filed a report dated 21st October 2015 recommending the adoption for reasons that the child stands to grow up in a family setting as opposed to living all his life in an institution. The guardian ad litem, Ms. Naomi Muili Mutinda also filed a report that was

favourable and recommended the adoption of the child by the Applicants.

6. The child was in court during the hearing and appeared to have bonded well with the Applicants. He was jovial and related well with the Applicants. Both extended families of E M and R K N support the adoption.
7. After a careful assessment of the reports filed herein and from the observation of the interaction of the Applicants and the child during the hearing, this court has formed the opinion that it would be in the best interest of the child to be adopted by the Applicants. Reasons wherefore I allow the prayers sought in the Originating Summons dated 22nd July 2015 and order as follows:
 - i. The Applicants, E M G and R K N, are hereby allowed to adopt baby S who shall henceforth be known as **M G M**.
 - ii. His date of birth shall be presumed to be 4th February 2014. He is presumed to have been born in Kenya and the place of birth shall be Riruta, Nairobi.
 - iii. G K G and R W K (brother and sister-in-law to the female Applicant) respectively are hereby appointed legal guardians of the child in the event that the Applicants die or are incapacitated by ill-health.
 - iv. I direct the Registrar General to enter this order in the Adoption Register.
 - v. The Director of Immigration is hereby authorised to issue the child with a Kenyan passport.
 - vi. The guardian ad litem is hereby discharged.

It is so ordered.

SIGNED DATED and DELIVERED in open court this **4th day of December 2015**.

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L. A. ACHODE

JUDGE