



REPUBLIC OF KENYA

IN THE HIGH COURT

AT KERUGOYA

ADOPTION CAUSE NO. 3 OF 2020 (O.S)

IN THE MATTER OF THE CHILDREN'S ACT

AND

IN THE MATTER OF BABY CG (CHILD)

AND

SNA.....1ST APPLICANT

RNG.....2ND APPLICANT

JUDGMENT

1. By an Originating Summons dated 27.2.2020, the Applicants SNA and RNG, a married couple sought for adoption orders of one Baby CG born on the 6.8.2018 to one CMI who offered up the child for adoption through K.K.P.I Adoption society and after being taken through the legal process in **Nairobi Children's Case No. 285 of 2019** successfully and committal of the child for custody to House of Charity Children's Home. The child was declared free for adoption.

2. In their application which is supported by a statement and an affidavit, the applicant state and swear to their fitness to adopt the proposed baby. They are both employees of [Particulars Withheld] University and earn a stable income to be able to support and provide for the child's financial needs. They also own land.

Apart from the proposed child, the Applicants have earlier on also adopted a baby boy namely Baby MP vide Adoption Cause No. 1 of 2017 – Kerugoya, and it is their desire to be authorized to adopt a second child, the proposed child.

3. I have considered the report from the Department of Children Services, County Coordinator Kirinyaga County. It is confirmed that the child has fully bonded with the applicant's family and the home environment is conducive to healthy growth of the children. They recommend that the prospective parents be authorized to adopt the baby.

4. **Article 53 (2) of the Children's Act** emphasizes that the child's best interests are of paramount importance in every aspect concerning the child's welfare.

This is further emphasized under **Section 4 (2) and (3)** that:

“In all actions concerning children whether undertaken by public or private social welfare institutions, courts of law, administrative authorities of legislative bodies, the best interests of the child shall be a primary consideration”.

5. **Section 15 A (1) of the Children's Act** mandates the court to make an adoption order if it is satisfied that it is for the best interest of the child and upon all legal requirements being complied with.

6. The Applicants have proposed **AWA and FKM** to be appointed the legal guardians to the child.

7. Having considered all the affidavits statements and documents filed herewith, I am satisfied that it would be in the best interest of the child that the applicants are authorized to adopt the proposed baby.

I therefore proceed to make the following orders: -

- 1. That the Applicants SNA and RNG be and are hereby authorized to adopt Baby CG, to be known as AWN.**
- 2. That AWA and FKM be and are hereby appointed as the legal guardians of the child.**
- 3. That the Registrar General is directed to enter into the Adopted Children's Register an entry recording the adoption, and a birth certificate be issued to the minor Baby.**

Dated and Signed at Kerugoya this.....day of.....2021

J. N. MULWA

JUDGE

DATED AND DELIVERED AT KERUGOYA THIS 30TH DAY OF NOVEMBER, 2021

R. M. MWONGO

JUDGE