



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

FAMILY AND PROBATE DIVISION

ADOPTION CAUSE NO. 88 OF 2016

IN THE MATTER OF THE CHILDREN ACT

(ACT NO. 8 OF 2001)

AND

IN THE MATTER BABY S (MINOR)

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION

BY

JKN & TMK (APPLICANTS)

JUDGMENT

Background:

1. Before court is an application for adoption of a child referred to as **Baby S** by way of an Originating Summons dated the 29th of June, 2018, brought pursuant to **Sections 154 & 158** of the Children's Act. The Applicants seek for orders to adopt the minor and upon such adoption the child be known as **SN**; that **SMN & MNK** be appointed as a legal guardians of the child in the event the applicants are incapacitated or are no more and the child still unable to fend for himself, further for the Registrar General to make appropriate entries in the Adoption Register.

2. On the 20th of September, 2018 the court appointed **JMK** as guardian *ad litem*, and directed both the Director of the Children's Services Department in Nairobi and the said guardian *ad litem* to investigate the Applicants' fitness to adopt and file their respective reports

Reports:

3. **Director of Children's Service Report**

The report is dated 9th January, 2019. The two applicants are aged 52 and 47 years respectively. They are both in self-employed and have a decent income. They have been married for 26 years and do not any biological children of their own thus the need for this adoption in order to have a lively home with a child and to give a

Home a child in need of care and protection.

The child was found abandoned on or about the 26th September, 2015 in Mlolongo. The child appeared to have been 1 day old and was wrapped in a lesa when picked by good Samaritans who reported the incidence at the Mlolongo Police station. It is said that no one claimed the child and, the police, referred to the child to St. Bernado's Children's home on the same day as they continued with investigations. The child was later committed to the said home on the 14th of March 2016 was declared free for adoption on the 18th January 2017. He was placed with the Applicants on the 27th of July, 2017. The report recommended the adoption.

Guardian Ad litem's Report:

4. The Guardian ad litem filed a report on 4th October, 2019. The guardian observed that the child is happy and well taken care of by the adoptive parents. She has bonded very well with the parents. She was of the view that it is for the best interest of the child to be adopted as proposed.

5. Based on the above background the court has formed an opinion that the Applicants have met all the necessary legal requirements for an adoption order to issue and certainly it will be in the best interest of the child to have the Applicants as his parents.

6. Consequently the court orders as follows:

- i) **JKN & TMK** be and are hereby authorised to adopt **BABY S** who will be hence forth be known as **SN**.
- ii) The Registrar General do register the adoption and issue a certificate.
- iii) **SMN & MNK** be and are hereby appointed as the Legal Guardians to **SN**.
- iv) The guardian ad litem **JMK** is hereby discharge from the obligation earlier bestowed upon her by the court.

SIGNED DATED and **DELIVERED** in open court this **26TH** day of **FEBRUARY, 2020**.

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ALI-ARONI

JUDGE