



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KAJIADO

ADOPTION CAUSE NO. 1 OF 2019

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

IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY A

1. MNN.....1ST APPLICANT

2. DBO.....2ND APPLICANT

JUDGMENT

1. MNN and DBO, the applicants, both of P o Box [particulars withheld] 00606 Nairobi moved this court by way of Originating Summons dated 7th January 2019 for authority to adopt baby **A** and that the baby A, be renamed **BSB**. The applicants also pray that **ASK** and **BMM** be appointed legal guardians of **Baby A**.

2. The application is supported by the affidavit of the applicants. The proposed legal guardians also filed consent agreeing to be legal guardians of the child if the application is granted. The applicants further filed documents as evidence to show that they have had the minor for some time.

3. The children's office filed a report in support of the adoption stating that it was in the interest of the minor. The adoption society filed its placement details on the adoption and confirmed that the child's parents are unknown and therefore has no objection to the adoption.

4. The court appointed gvas the guardian Adlitem. She filed a report dated 23rd September, 2019 detailing her investigations as the guardian ad litem and confirmed to the court that the applicants were suitable to adopt the minor. In the report, the guardian ad litem confirmed that the child had bonded well with the applicants as a family; that the applicants are husband and wife; that the minor was found abandoned in [particulars withheld] Kabati area; was rescued and taken to Thika Level five Hospital and that her family is unknown.

5. According to the report, the child was placed at House of Charity Children's Home for care and protection on 13th June, 2017 and was eventually committed to the same facility by the Children's Court Order issued on 30th August, 2016 in protection and care case No. 225 of 2016.

6. The report from the Children's Office confirms the details by the guardian ad litem. It also confirms that the applicants are professionals who are financially endowed and are able to take care of the child while they plan to have their own child. The report further confirmed that the child has settled well at home with the applicants.

7. I have considered the application, the supporting documents and perused the reports by the Children's Officer and the guardian ad litem. The applicants have moved this court for authority to adopt Baby A. The child was born on 6th August, 2016 but was abandoned at [particulars withheld] in Kabati area. Her parents are therefore unknown.

8. The child was rescued and taken to Thika Level five Hospital for treatment. The matter was then reported at Kabati Police Station under **OB No. [particulars withheld]/8/2016**. The child was later committed to House of Charity on 30th August, 2016 through Kajiado Children's Court in Protection and Care Case No. 225 of 2016. The child was made available for adoption and committed to the applicants hence this application.

9. Since the time the child was rescued, no one has come out to claim her. Her parents are unknown. The applicants were united with the child and have been with her till now. The reports from both the Guardian ad litem and the Children's Office favour adoption.

10. I have perused the record of the applicants. It shows that they are responsible people who have taken in the child as their own and have so far done well in integrating her as their own child. This court observed the child during the hearing of this matter and was satisfied that she was at home with the applicants. She exhibited no sign of distress and was quite happy throughout the proceedings playing with the

applicants and other children in court.

11. I have perused the record and noted that the applicants are professionals who have the means to take care of the child. At the time of hearing, the proposed legal guardians confirmed to court that they were aware of their obligations as legal guardians should they be appointed.

12. On the basis of what I have seen on record, the minor is a needy child who was abandoned at the very early age and needs parental care to grow up as a normal child with parental care and protection which the applicants have stepped in to offer. From what I have seen on record, the applicants meet the legal requirements for adoption and all reports have recommended adoption for the benefit and wellbeing of the child. The Constitution and the law state that in all matters concerning a child, the interests of the child are paramount.

13. All the documents, affidavits as well as reports support adoption. I am therefore satisfied that this application has been made in the interest of the child. The legal guardians have also confirmed that they are ready and willing to step in in the event the applicants are unable to discharge their parental responsibility to the child.

14. The parents of the child are unknown. She was found in Kenya and in terms of the Constitution, she is presumed to have been born in Kenya and she therefore a citizen of Kenya. For the above reasons, I am satisfied that the applicants are fit and proper persons to adopt the child the subject of this application under the Children Act. Consequently, the application for adoption dated 7th January 2018 is allowed. I hereby make the following orders;

a) That an order is hereby made authorizing the applicants MNN and DBO jointly to adopt BABY A

b) That the child be renamed BSB.

c) That ASK and BMS are hereby appointed the legal guardians of the child in the event that the applicants die, or are incapacitated by ill-health.

d) That the guardian ad litem, GVC be and is hereby discharged.

e) That the Registrar General be and is hereby directed to make appropriate entries of this adoption into the Register of Adoptions and issue a certificate to that effect.

f) Orders accordingly

Dated, signed and delivered at Kajiado this 23rd day of April, 2020.

E.C. MWITA

JUDGE,