



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

FAMILY AND PROBATE DIVISION

ADOPTION CAUSE NO. 39 OF 2017

IN THE MATTER OF THE CHILDREN ACT

(ACT NO. 8 OF 2001)

AND

IN THE MATTER OF ADOPTION OF BABY IP (MINOR)

BY

GNM & RGN (APPLICANTS)

JUDGMENT

Background:

1. Before court is an application for adoption of a child referred to as **Baby IP**, by way of an Originating Summons dated the 17th of February, 2017, as amended on the 20th of May, 2018, and brought pursuant to **Sections 154 & 158** of the Children's Act.
2. The Applicants seek for orders that; they be allowed to adopt the minor and upon such adoption the child be known as **JMN**; for **WNM & PWM** to be appointed as 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; for the Registrar General to make appropriate entries in the Adoption Register; and the child's birth date be deemed as 31st January 2013.
3. On the 22nd of June, 2017 the court appointed **JWW** as guardian *ad litem*, and directed both the Director of Children's Services Department in Nairobi and the said guardian *ad litem* to investigate the Applicants' fitness to adopt and file their respective reports.
4. The Director of Department of Children' Services report is dated 4th September, 2017, though filed in court on the 12th of February, 2018. The report gives the ages of the two applicants as 46 and 48 years respectively. They are both self-employed and have a decent income. They were customarily married in 1994 and solemnised their marriage before the registrar of marriages on 6th May, 2014. The applicants do not have any biological child of their own, hence this adoption.
5. It was reported that the child was found abandoned in Majengo Township of Kajiado County on the 31st of January, 2013. A good Samaritan reported the incident at the Kajiado Police Station, under OB NO. [...] whereupon the child was placed at Mahali Pa Maisha Children's Home. Later the court committed the child to the said home and he was declared free for adoption by Buckner Kenya on the 18th January 2014.
6. The child was placed with the Applicants on the 14th of March, 2014 under Certificate Number [...]. The investigative report highly recommended the adoption.
7. The Guardian *ad litem* filed a report on 7th March, 2018. The guardian attends the same church with the applicants and is a master guide for the youth in the said church. He visited the home twice and was able to observe the child and the applicants. He formed the opinion that the child is happy and well taken care of by the adoptive parents. He is of the view that the adoption would be in the best interest of the child.
8. The Applicants have met all the necessary legal requirements for an adoption order to issue and based on the reports referred above,

certainly it will be in the best interest of the child to have the Applicants as his parents.

9. Consequently,

- a. **GNM & RGN** be and are hereby authorised to adopt **BABY IP** who will hence forth be known as **JMN**.
- b. The minor's date of birth be deemed to be the 31st of January 2013.
- c. The Registrar General do register the adoption and issue a certificate.
- d. **WNM & PWM** be and are hereby appointed as the Legal Guardians to **JMN**
- e. The guardian ad litem **JWW** is hereby discharge from the obligation earlier bestowed upon him by the court.

SIGNED DATED and **DELIVERED** this 27th **day** of May, **2020**.

ALI-ARONI

JUDGE