



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**ADOPTION CAUSE NO. 42 OF 2016 (OS)**

**IN THE MATTER OF THE CHILDREN'S ACT NO. 8 OF 2001**

**IN THE MATTER OF ADOPTION OF BABY I a.k.a BABY S**

**BY**

**NKK & NWK (APPLICANTS)**

**JUDGEMENT**

1. The Applicants **NKK & NWK**, initially moved this court by way of an Originating Summons dated the 18<sup>th</sup> of March 2017, which summons was amended twice on the 6<sup>th</sup> of April 2018 and 13<sup>th</sup> July 2018, seeking for orders that; -

- a. That **CKNK** be appointed as guardian *ad litem*.
- b. That the Director of Children's Services be directed to compile a report on the applicants' fitness to adopt the child.
- c. The said applicants be authorised to adopt the child, **BABY IH AKA BABY I AKA BABY S** and upon such adoption the child's name be changed to **IKK**.
- d. That **JNK** and **MNM** be appointed as Legal Guardians of the child.
- e. The Registrar General do enter the adoption in the Adoption Register.

2. By a ruling dated 30<sup>th</sup> June, 2016 this court appointed **CKNK** as guardian *ad litem* and required the said guardian *ad litem* and the Director of Children's Services Department to conduct a social enquiry on the Applicants fitness and the prevailing circumstances as relates to this adoption and file their respective reports.

3. The respective reports were filed with the Court on 22<sup>nd</sup> of August 2016 and 20<sup>th</sup> November, 2018 respectively. Both reports highly recommended the Applicants as suitable and fit persons to be considered for the adoption.

The court was informed that the First applicant is a farmer and a church minister whereas the 2<sup>nd</sup> applicant is a farmer. At the time the report was compiled by the Children's Services Department the applicants were both 54 years of age. The applicants are said to have married under Kikuyu Customary Law in 1984 and solemnised the marriage on 20th March 2014. They do not have not had a child of their own and in 2013 they started nursing the idea of adoption.

4. The child, **Baby IH** was abandoned at Kiang'ombe village in Kiganjo Location within Thika on 4<sup>th</sup> November 2011, and rescued by a good Samaritan who reported the matter to Thika Police Station on the same day. The child was taken to Thika Level Five hospital and thereafter placed at Children Karibuni Organization on 13<sup>th</sup> September, 2011 for protection and care. He was declared free for adoption on 5<sup>th</sup> February 2014 by Little Angels Network Adoption Society and placed with the Applicants for foster care since 5<sup>th</sup> June 2015 pending formal adoption. The child was born on or around 28<sup>th</sup> January 2011.

The child is said to have bonded well with the foster family and is happy in his current environment and has normal growth.

5. The proposed legal guardians **JNK** and **MNM** are friends of the applicants for over 30 years and they have both given their consent to be appointed as such and are ready to take up responsibility in the event the applicants are not there or are both incapacitated before the minor attains age of majority.

6. Against the above background I have formed the opinion that the Applicants herein **NKK & NWK**, are suitable and fit persons to adopt the child herein and that the said adoption is for the best interest of the child, who has found parents who have provide a home and the much-needed love, care and attention all children deserve.

The adoptive parents will take full responsibilities and obligation of parents towards the child who now becomes their full responsibility with all rights of a child under the law with the right to inherit the applicants.

The legal guardians will take full responsibility over the child should the applicants both die or get incapacitated before the minor is of full age.

7. Consequently, I make the following orders.

- a. **That the Applicants NKK & NWK be and are hereby authorised to adopt BABY IH AKA BABY I AKA BABY S.**
- b. **That the child's name will upon this adoption be IKK.**
- c. **That JNK and MNM Jointly be and are hereby appointed as legal guardians of the child now to be known as IKK.**
- d. **That the Registrar General do enter this adoption in the adoption register.**
- e. **The guardian *ad litem* be and is hereby discharged from the duties earlier conferred upon him by the court.**

**SIGNED DATED and DELIVERED** in court this **day of 21<sup>st</sup> Day of February, 2019.**

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**ALI-ARONI**

**JUDGE**

In the presence of:

Counsel for the Applicant.....