



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MACHAKOS

ADOPTION CAUSE NO. 24 OF 2018

IN THE MATTER OF BABY LF

ON APPLICATION FOR AN ADOPTION ORDER BY

JGN

SN.....APPLICANTS

RULING

1. This application is brought by way of Originating Summons dated 28th September, 2018. The Applicants **JGN and SN** through their advocates Kalinga and Co Advocates seeking the following orders:

1. **THAT** NW Njoki of c/o Post office Box 1*** Nyeri in the Republic of Kenya be appointed Guardian ad Litem.
2. **THAT** the Director of Children's Department, office of the Vice-President, Ministry of East Africa Community, Labour and Social Department of Children's Services do investigate the applicants fitness to adopt and file a report.
3. **THAT** the Applicants be authorized to adopt baby LF and the baby be known as DGJ.
4. **THAT** KA and SWM be appointed Legal Guardians of the child.
5. **THAT** the child be declared a Kenyan Citizen by birth.
6. **THAT** the court be pleased to make any further orders it deems necessary.

2. In the preliminary stage, prayer 1 and 2 were granted by the court.

3. The Applicants **JGN and SN** are husband and wife. J is a consultant whereas S is a farmer. The couple reside in Kitengela. They have been married to each other since 21.8.2005 and they have two biological children. They received the infant under their joint custody as from 2.2.2018 and fostered him since then.

4. **KA and SWM** swore an affidavit dated 28th September, 2018 to confirm consent to act as Legal Guardians and that they had no objection to the Applicants adopting Baby LF.

5. Baby **LF** was born on 16th November, 2016 at Consolata Hospital Nyeri to MWG and KM vide birth notification Serial Number 54*****. M reported that she was unable to cater for the needs of the baby because his father had deserted her and thus the Mathira East Sub-County Children's Officer approached Neema House Nanyuki to provide a place of safety for the child and Neema House contacted Change Trust Adoption agency to administer the consent and Mary signed a consent on 17th November, 2016 relinquishing her rights over baby L. Baby L was admitted to Neema House to care and protection vide P & C number 12 of 2016 issued by Karatina Children's Court.

6. On 21st January, 2018, Baby LF was declared free for adoption by the Change Trust Case committee vide certificate number 00*** issued on the same date and was placed in the care of the applicants from 2.2.2018 for mandatory bonding.

7. On 6th October, 2018 this Court directed the Director of Children Services to conduct investigations as to the suitability of the Applicants to adopt **Baby LF** and submit a report and findings to Court.

8. Mercy Muli is the Sub-County Children's Officer, Athi River. She conducted a Social Inquiry on the Applicants by visiting and interrogating them at their home on an unknown date. It was observed that the Applicants had two children and developed a need to help a needy child and thus approached the Kenya Children's Home Adoption Agency where they were matched with Nanyuki Neema Rescue Centre. They have the support of their biological children who are happy to have David as a new member of the family. They have taken care of baby **LF** and bonded well with the said minor who seemed to have bonded well with the. They have invested in land in areas like Sultan Hamud and a house in Kitengela; her conclusion is that the applicants have demonstrated ability to maintain baby **LF** .

9. On 18th January, 2019, Mercy Muli, the Sub-County Children's Officer, Athi River filed a favourable report as to the suitability of the Applicant to adopt baby **LF** . She appeared before me on 21st January, 2019 to recommend applicants' application and to have the report dated 16.1.2019 that she filed in court confirming the suitability of the applicants to adopt the minor.

10. On 21st January, 2019, Peter Ndotono appeared in court to recommend the applicants' application and to confirm the suitability of the applicants to adopt the minor as well as adopt the report dated 8.8.2018. **KA and SWM** relied on the contents of their affidavits and willingness to take up their duties as the legal guardians and recommended the applicants to adopt baby **LF**. The applicants also appeared before me and relied on their affidavits in support the application and indicated willingness to adopt the minor.

11. This court is satisfied that the Applicants are suitable persons to adopt Baby **LF** and that they are financially stable and have the means to provide and care for him. I allow the application.

For the above reasons, the Court orders as follows;

1. **THAT the Applicants be and are hereby authorized to adopt baby LF and the baby be known as DGJ.**
2. **THAT KA and SWM be and are hereby appointed Legal Guardian of the minor.**
3. **THAT the Registrar-General do make in the Adopted Children Register an entry recording the adoption in accordance with the particulars set out in the Schedule to this order.**
4. **THAT the Guardian ad Litem is hereby discharged.**

Orders accordingly.

Dated and delivered at Machakos this 18th day of June, 2019.

D.K. KEMEI

JUDGE