



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI LAW COURTS
FAMILY DIVISION
ADOPTION CAUSE NO. 78 OF 2018(OS)
IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF BABY B.C.

IN THE MATTER OF AN APPLICATION FOR ADOPTION BY

JKT.....1ST APPLICANT

JJK.....2ND APPLICANT

JUDGMENT

1. The applicants are a Kenyan couple aged 42 and 36, respectively. The 1st applicant is a businessman while the 2nd applicant is a warden at the Kenya Wildlife Service. The parties got married in 2007 under the Kalenjin customary laws. They later contracted a civil marriage on 16th December 2011. They have no child of their own. On 3rd June 2019 they filed this originating summons seeking to adopt the baby B.C.

2. Baby B.C. is presumed to have been born on 23rd July 2017. The child was found abandoned at Sigor Trading Center. The baby was taken to Longisa Referral Hospital for further medication. The matter was reported at the Administration Police-Chepalungu sub-county and booked vide OB No 10/24/07/2017. The child was taken to A.G.C. Baby Centre –Ngata for shelter followed by formal Committal to the facility vide Care and Protection Case Number 18 of 2017 at the Children’s Court in Bomet on 31st August 2017. The final police letter indicated that no one had claimed the child subsequently the child was declared free for adoption by Buckner Kenya Adoption Services on 21st January 2019 and thereafter placed with the applicants on 7th February 2019 for bonding.

3. On 4th July 2019 the court appointed CWK as the guardian ad litem and ordered her and the Director of Children Services within 45 days to prepare and file the requisite reports after carrying out a social inquiry on the applicants to determine their suitability to adopt the child. The two reports were filed, both recommending the applicants be allowed to adopt the child. The reports found that the applicants were socially, emotionally and financially stable and suitable to adopt the child. It was also found that the child and the applicants had bonded well.

4. The court finds that it is in the best interest of the child to be adopted by the applicants. The applicants have demonstrated their ability to provide a conducive home and family environment in which the child will grow and develop. They will assume all parental rights and obligations of the biological parents of the child once adopted, and shall treat her as if she was born to them. They have been made aware that once the adoption order is made, it shall be final and binding during the lifetime of the child. The child shall have the right to inherit their property. The applicants shall not be able to give up the child owing to any subsequent unforeseen behaviour or other changes in the child. This court dispenses with the consent of the child’s biological parents as she was found abandoned.

5. Having been satisfied that all the legal requirements for a local adoption under the **Children Act** have been met, the following orders shall issue:-

a) the applicants JKT and JJK are hereby allowed to adopt Baby B.C.;

b) Baby B.C. shall henceforth be known as JCK;

- c) the child's date of birth shall be 23rd July 2017, shall be presumed to be Kenyan by birth having been found abandoned at Sigor in Bomet in Kenya;
- d) SKT and CJO are hereby appointed to be the child's legal guardians in the event of death or incapacity of the applicants before she is of full age and fully self-reliant;
- e) the Registrar-General is directed to enter this adoption in the Adopted Children Register; and
- f) the guardian *ad litem* is hereby discharged.

DATED and DELIVERED at NAIROBI this 28TH NOVEMBER 2019.

A.O. MUCHELULE

JUDGE