



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT KITUI
ADOPTION CAUSE NO. 4 OF 2016
IN THE MATTER OF BABY J D
AND
ON APPLICATION FOR AN ADOPTION ORDER

D N)

A M N).....APPLICANTS

R U L I N G

1. By way of Originating Summons, the Applicants **D N** and **A M N** seek authorization to adopt **Baby J D** to be known as **C N D** (Subject Child). The application is based on grounds that it is in the best interest of the child for the order sought to be granted.
2. The subject child was abandoned on the **27th August, 2012** in **Bomet**. He was rescued and taken to **Longisa Level 4 District Hospital**. The matter was reported to Bomet Police Station per **OB No. [particulars withheld]** and the subject child was admitted at the **Africa Gospel Church Baby Centre** and subsequently committed to the care and custody of the home.
3. On the **6th March, 2015** the subject child was placed with prospective adoptive parents for fostering, the Applicants herein having been declared free for adoption per **Certificate Serial No. [particulars withheld]**.
4. The guardian *ad litem* filed a report expressing his believe that the Applicants would give the child the best upbringing possible and he would enjoy the love and care of a loving family.
5. The home of the Applicants was visited by the Director of Children Services who recommended the adoption having established that the Applicants have the ability to take on parental responsibility and custody of the child as they had proved capable to adequately provide for the child.
6. I have perused the consent filed by the intended legal guardians who have expressed their willingness to be the child's guardians in case of death or incapacity of the Applicants before the child attains the age of majority.
7. From the foregoing, I am satisfied that there is no need of the consent of the biological parents as the child was abandoned. The prospective adoptive parents are adults of less than 65 years, and in employment. They are married and have a home. It will be in the interest of the child to be adopted by the Applicants.
8. Therefore I allow the application and grant orders thus:
 - (i) **The Applicants be and are hereby authorized to adopt Baby J D who shall be known as C N D.**
 - (ii) **J M N and V W M are appointed as legal guardians of the child.**
 - (iii) **The Registrar General shall enter the name of the child in the Adoption Register.**
 - (iv) **The child shall assume Kenyan Citizenship.**

(v) The guardian *ad litem* is hereby discharged.

9. It is so ordered.

Dated, Signed and Delivered at Kitui this 19th day of April, 2018.

L. N. MUTENDE

JUDGE