



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

FAMILY AND PROBATE DIVISION

ADOPTION CAUSE NO. 183 OF 2017

IN THE MATTER OF THE CHILDREN ACT (ACT NO. 8 OF 2001)

AND

IN THE MATTER OF BABY ST.

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION

BY

DIG and RAN (APPLICANTS)

JUDGMENT

Background:

1. Before me is an application for adoption of a child **SL** (name withheld) by way of an Originating Summons filed by **DIG** and **RAN** (names withheld), where the Applicants seek to adopt SL and have his name changed to the name proposed in the application. They further ask that the court declares the child's date of birth to be 26th September, 2016 in Kajiado County and he be presumed to be a Kenyan citizen. They further seek for **EAN** (name withheld) to be appointed as a legal guardian. Further that the Registrar General do make appropriate entries in the Adoption Register and do issue a certificate.

2. By virtue of an application by way of a Chamber Summons dated 27th October, 2017 this court on 12th of April 2018 appointed **MMM** (name withheld) guardian ad litem. On the same date the 12th April 2018 the court directed the Director of the Children's Services Department in Nairobi to investigate the Applicant's fitness to adopt and file a report. Similarly the guardian ad litem was directed to write her report.

Reports:

Director of Children's Service Report

3. Nyabuto Matundura a Principal Children's Officer filed a report dated 25th May, 2018 as follows: The Applicants are both Christians aged 36 and 34 years respectively. The intended adoptive father is an Event Organizer whereas the intended adoptive mother is a hair dresser. The two were married in 2016, and make reasonable income from their businesses. They reside in Kasarani in a three bed room rented flat.

4. On visitation the officer noted that the child had bonded well with the Applicants and cries when they leave the home. The Applicants have a house help who assists in taking care of the child in their absence.

5. The child sleeps in the same room with the Applicants for monitoring purposes. The child was 1 year 8 months at the time of writing the report. The officer found the child clean and looked healthy. The child was born on 26th September, 2016 and was abandoned in Kajiado County. The matter of his abandonment was reported to the police under OB No. 3/10/10/2016. Later the child was committed at Mahali Pa Maisha on 11th October, 2011, his parents could not be traced. He was declared free for adoption by Buckner Kenya Adoption Society on 26th May, 2017. The child was placed with the Applicants from 26th May 2017 to date.

It was the officer's view that Applicants have fulfilled all the requirements of the law and recommended the adoption.

Guardian Ad litem's Report:

6. The Guardian ad litem filed a report dated 9th July 2018 with the court. The report equally gave details of the Applicants and the child. The child at the writing of the report was 1 year 7 months, was crawling and is uttering a few words, he was generally fine. Further that the Applicants said their lives had become meaningful since the child was placed with them, and they have been given reason to work hard. The reported further that the Applicants have put in place everything that the child may require including an Education policy. She equally recommended the adoption.

7. Based on the above background the court has formed an opinion that the Applicants have met all the necessary legal requirements and that it will be in the best interest of the child to have the Applicants as his adoptive parents.

8. Consequently the court orders that:

- i) **DIG** and **RAN** do adopt **ST** who will be renamed **KLI**
- ii) The child's date of birth is 26th September, 2016 and place of birth Kajiado County.
- iii) A birth certificate do accordingly issue.
- iv) The Registrar General do register the adoption and issue a certificate to **KLI**
- v) **EAN** be and is hereby appointed as the Legal Guardian of **KLI**
- vi) Costs in the cause.

SIGNED DATED and **DELIVERED** in open court this **26th day of September, 2018.**

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ALI-ARONI

JUDGE