

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO.2 OF 2018

IN THE MATTER OF THE CHILDREN ACT NUMBER 8 OF 2001

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY AM aka A aka H (MINOR)

BKY.....1ST APPLICANT

MAM.....2ND APPLICANT

JUDGMENT

The applicants **BKY** and **MAM** are seeking to be authorized to adopt **Baby AM** hereinafter referred to as the child. They seek that upon making the adoption the child be called **AAK**. They also seek the 2nd applicant's brother **IKM** and his wife **AMM** be the Legal Guardian of the child in the event of death or incapacity of the applicants before she is of full age.

The applicants are both Kenyan citizens born on 18th February 1978 and 6th February 1980 respectively. The applicants are holders of identity card number [...] and [...] respectively. The 1st applicant is a civil servant while the 2nd applicant is a social worker. The parties got married on 8th December 2007 and do not have any child of their own. On 10th February 2017 they formally made an application to Buckner Adoption Agency seeking to adopt a child. On 29th July 2017 a children's home Mahali Pa Maisha Infant Rescue Center placed the child in their custody. They are sane and have not been convicted of any offences set out in the Third schedule of the Children's Act.

The child was abandoned on 7th January 2017 in Athi River area and was rescued by a good Samaritan who reported the matter at Athi River. The matter was reported to Athi River Police station under OB Number [...]. The child was placed with Mahali Pa Maisha Rescue Center by the children's Court at Mavoko under committal order number 2 of 2017 upon the recommendation of the sub-county children's office. The police via their final letter dated 13/7/2017 confirmed that no one had come forward to claim the child.

Department of Children Services filed their report on 14th August 2018. The children's officer observed that the child had bonded well with the applicants and he is bright and jovial. The applicants are physically and psychologically prepared to raise the child and are financially stable hence capable to take up parental responsibility. The report recommends the adoption. The guardian ad litem filed its report on 10/09/2018. She observed that the child had bonded well with the applicants and they are financially capable of to provide basic needs for the child. She recommended the adoption.

It is evident that the applicants have fulfilled all the legal requirements relating to the adoption of the child. This Court is satisfied that the applicants are qualified and able to take care of the child. They are financially stable and capable to provide for the upkeep and education of the child. It was evident that in the period that the applicants have had the custody of the child, the child bonded well with them.

This Court finds that it would be in the best interest of the child to be adopted by the applicants. I allow the application for adoption. The applicants Andrew **J NN** and **MWN** are hereby allowed to adopt baby **Baby AM** and he shall henceforth be called **AAK**. **IKM** and his wife **AMM** shall be the Legal Guardians of **Baby AAK** in the event of death or incapacity of the applicants before he is of full age. I direct the Registrar General to enter this order in the adoption register. The child was born in Kenya and is therefore a Kenyan by birth and is entitled all the rights that accrue to Kenyan citizens under the Kenya Constitution 2010 and the Kenya citizenship and Immigration Act. I hereby discharge the Guardian ad litem. It is so order.

DELIVERED DATED & SIGNED IN OPEN COURT ON 20TH DAY OF DECEMBER 2018.

M.W.MUIGAI

JUDGE FAMILY DIVISION –HIGH COURT