



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**ADOPTION CAUSE NO.126 OF 2015**

**IN THE MATTER OF THE CHILDREN ACT NUMBER 8 OF 2001**

**AND**

**IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY N W (CHILD)**

**J N N AND M W N (JOINT APPLICANTS)**

**JUDGMENT**

The applicants **JNN** and **MWN** are seeking to be authorized to adopt **N W** hereinafter referred to as the child. They seek that upon making the adoption the child be called **G GN**. They also seek that **F W** 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 aged 45 and 36 respectively. The applicants are married and in private business. They are Christians and have no biological children of their own. 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 at Kiambu District Hospital upon delivery by the biological Mother and a report was made to Kiambu Police on 19/4/2008 by one Kenneth Mureithi a security officer at the said hospital. The matter was booked as OB No. 16/9/12/2008. The child stayed in the hospital for 3 months. She was rescued by Child welfare Society of Kenya for care and protection and placed under care and protection of abandoned baby center, Dagoretti through the Children's officer Kiambu. Baby N W was committed to Child welfare Society of Kenya by the Senior Principal Magistrate at Kiambu Law Court at Kiambu in care and protection No. 16 of 2009. Child welfare tried to trace the parents or relatives of the child but their efforts did not bear any fruits. Further, the police carried out investigations but were not able to trace the parents or relatives of the child. As per their final letter dated 4th May 2010, no one has claimed the child.

Department of Children Services filed their report on 8th October 2018. The children's officer observed that the child had bonded well with the applicants and referred to them as mum and dad and was bright and jovial and looked healthy. The report recommends the adoption as the applicants had met all the requirements as provided under the Children's Act 2001. The applicants are financially capable to take up parental responsibility.

The guardian ad litem filed its report on 2/10/2018. She observed that the child had bonded well with the applicants and calls them mum and dad. She is well kept and health. She recommended the adoption.

It is evident that the applicants have has 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 **A J N N** and **M W N** are hereby allowed to adopt **Baby N W** and she shall henceforth be called **J N M**. **F W** shall be the child's Legal Guardian 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 20<sup>TH</sup> DAY OF DECEMBER 2018.**

**M.W.MUIGAI**

**JUDGE FAMILY DIVISION –HIGH COURT**

**IN THE PRESENCE OF;**

**APPLICANT IN PERSON**