

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

ADOPTION CAUSE NO.127 OF 2013

IN THE MATTER OF THE CHILDREN ACT NUMBER 8 OF 2001

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY MM (MINOR)

JNN AND MWN (JOINT APPLICANTS)

JUDGMENT

The applicants **JNN** and **MWN** are seeking to be authorized to adopt **Baby MM** hereinafter referred to as the child. They seek that upon making the adoption the child be called **MUN**. They also seek that **FW** 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 Umoja. The matter was reported to chief in charge Umoja location on 6/10/2006 and subsequently the matter was reported to Soweto police post and was booked as Ob No. [particulars withheld]. The child was taken to Imani Children's home for care and protection on 18th April 2008. The child was committed to the institution by the senior resident magistrate Court in Nairobi vide care and protection No. 53 of 2008. The Children Welfare Society tried to look for the parents/relatives of the child in vain but have not be successful. The police from Soweto tried to locate the parents/relatives of the child but were not successful as indicated in their final letter dated 03/08/2012. The child remained in the institution until 19/04/2010 when he was placed with the applicants for foster care pending adoption and has been in their care since then.

Department of Children Services filed their report on 8th May 2018. The children's officer observed that the child had bonded well with the applicants and they relate well. The applicants are physically and psychologically prepared to raise the child. The report recommends the adoption as the child is in need of care and protection and it will be in his best interest.

The guardian *ad litem* filed its report on 2nd October, 2018. She observed that the child had bonded well with the applicants and calls them mum and dad. He is well kept and health. He 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 **JNN** and **MWN** are hereby allowed to adopt **Baby MM** and she shall henceforth be called **MUN**. **FW** 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 ordered.

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

M.W.MUIGAI

JUDGE FAMILY DIVISION –HIGH COURT

IN THE PRESENCE OF;

APPLICANT IN PERSON