



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAIROBI**

**ADOPTION CAUSE NO.89 OF 2016**

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

**AND**

**IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY R R *alias* R R**

**P N M.....1ST APPLICANT**

**E N M.....2ND APPLICANT**

**JUDGMENT**

1. The applicants **P N M and E N M** are seeking to be authorized to adopt baby R R *alias* R R hereinafter referred to as the child. They also seek that upon making the adoption the child be called **L M N**. They also seek that **P M M** the 2nd applicant's younger sister be appointed the legal Guardian of the child.

2. The applicants are Kenyan born on 18th May 1979 and 6th March 1980 respectively. They got married on 20th October 2012. The 1st applicant works as a [particulars withheld] while the 2nd applicant works as an [particulars withheld]. They are both physically and emotionally fit and healthy to parent a child and live in a comfortable environment suitable for nurturing the child and ensuring full and wholesome development.

3. The child was rescued from a pit latrine in Rironi by an Administration Police Officer who rushed her to Tigoni District Hospital. The incident was reported to the Chief Rironi Loxation and at Tigoni Police station and the same was recorded as OB 12/18/04/2015. The child stayed at Tigoni District until 30th April 2015 when Tigoni had a temporary placed at Limuru Children's Center Baby Home. The child was committed to legal custody of Limuru Children's Center baby Home in P&C No. 48/2015. The police via letter dated 30/04/2015 confirmed that no one had come forward to claim the child. The child was declared free for adoption by Change Trust on 14th November 2015 and issued with a certificate for declaring a child free for adoption no. 00086. The applicants were placed with the child on 24th December 2015 through duly signed foster care agreement forms dated for mandatory bonding and have had the control of the child since then.

4. The Department of Children Services filed their report on 3rd March 2017. The officer observed that the child has bonded well with the family and is well taken care of. She is healthy and the environment is suitable for raising a child. The report recommends the adoption as it will give the child the perfect alternative family with whom she has flourished and bonded with.

5. The guardian ad litem report was filed on 13th March 2017. The guardian ad litem observed that the applicants have a steady income and are capable of caring for the child. I was observed that the applicants have bonded well with the child. The child is well fed and is able to communicate. The report recommends the adoption.

6. 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. The applicants 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. The child was abandoned and the mother has not been traced.

7. 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 **P N M** and **E N M** are hereby allowed to adopt **baby R R alias R R**. She shall henceforth be called **L M N**. **P M M** the 2nd applicant's younger sister shall be the legal Guardian of the child should misfortune befall the applicants. 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.

Signed, dated and delivered this **13<sup>th</sup>** Day of **April** 2015.

**R. E OUGO**

**JUDGE**

In the presence of:

**Ms Kathungu**      **For the Applicants**

**Charity**              **Court Clerk**