



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
ADOPTION CAUSE NO 18 OF 2016
IN THE MATTER OF THE CHILDREN'S ACT 2001
AND
IN THE MATTER OF ADOPTION
BABY A BTHE CHILD
BY
S M W.....1ST APPLICANT
C W K.....2ND APPLICANT

JUDGMENT

The Applicants are married as evidenced by a copy of their certificate of marriage of serial number [particulars withheld]. The said marriage was solemnized at [particulars withheld] in Nairobi on 29th October 2011. According to a report by the Department of Children Services, the first Applicant is a Kenyan citizen by birth. He is a Christian and is formally employed. He resided in [particulars withheld], Nairobi Kenya. He is the 1st born in the family of 3 children. He was born, raised and educated in Nairobi. His family is aware of and supports his intention to adopt the Child. The second Applicant is the last born in a family of 3 children. She was also born, raised and educated in Nairobi.

The Applicants seek to adopt the Child in this matter who is estimated to have been born on 28th August 2014. They were interviewed and approved by Little Angels Adoption Society and on 22nd August 2015, they agreed to foster the Child with a view of adopting him. They signed a Care Agreement with Neema House Infant Rescue Centre to foster the Child for a three months period at the expiry of which they were to commence court proceedings and seek orders for adoption. G S M of I.D. No. [particulars withheld] and M W G of I.D. No. [Particulars withheld], (brother and sister in law of the second Applicant) by their letter of consent, signed and dated 12th May 2015 consented to being the legal guardians of the Child. Copies of their identity cards have been attached. The Applicants have attached financial statements to show financial capability of caring for the child. The 1st and 2nd Applicants filed Police Clearance Certificates of serial numbers [particulars withheld] respectively which prove that they have no previous criminal records.

The Applicants underwent medical evaluation and were found to be in general good health and are therefore fit to take care of a child.

The Applicants have had care and control of the Child for more than three months. The 1ST Applicant works as an [particulars withheld] in Nairobi. The 2nd Applicant works as an [particulars withheld] in Nairobi.

Baby A.B, herein the Child, is presumed to have been born on 28/08/14 according to the report filed by Little Angels Network on 3rd November 2016. The baby was found abandoned in Narumoru and the matter was reported to Narumoru Police Station by one J W K. He claimed to be the child's biological father but later disappeared without a trace. According to a report by the Officer Commanding Station at Narumoru Police Station, vide O.B Reference Number 30/28/2014, No one ever claimed the child. The Child was admitted to the Nanyuki Teaching and Referral Hospital on 28th August 2014 where he received treatment and was discharged on 12th September 2014. The baby's case was presented to Nanyuki Law Courts by the District Children Officer via Protection and Care Case number 35/2014 wherein the child was placed with Neema House Infant Rescue Centre at Kiambu for 3 years. A report by J.K.Chege, a Children's Officer from Laikipia East, Laikipia County dated 11th February 2016, confirmed that the Child was found abandoned in Narumoru and the case was reported at Narumoru Police Station before being brought to Nanyuki Teaching and Referral Hospital on 28th September 2014 as stated above.

A report from the Department of Children's Services was filed on 22/11/17. According to this report, the Child was declared free for adoption by Little Angels Adoption Society. The certificate declaring the child free for adoption is serial number 001688 dated 7th August 2015. The Applicants have satisfied the County Coordinator of children services that they have the financial capability to bring up and care for the child. They have a home that is suitable for raising the child. The home visit required herein was conducted and it was evident that the Child has bonded well with the Applicants, is happy and of general good health. Further in this Report, it is stated that the parties are aware of the Child's right to inheritance and have no objection as to the same. The Director of children services recommends that the Applicants be allowed to adopt the Child and on adoption the Child's proposed name will be L N M.

A report was filed pursuant to **Section 156 (1)** of the **Children Act 2001** by Little Angels Network on 28/08/14 wherein they submitted that they conducted investigations which confirmed the background of the Applicants and Child. The Case Committee sat on 7th August 2015 as prescribed by **Regulation 6 of the Adoption Regulations 2005** and was satisfied that the Child is available for adoption and adoption is in the best interest of the child.

R K N is the Guardian *ad litem* in this matter. She is conversant with the application of the Applicants seeking adoption orders of the Child. She consented to the role of Guardian *ad litem* as per the consent dated 15th December 2015. Her fitness was attested to by M W G as per her Affidavit dated the same day. She was then appointed for this role by order of this honorable court dated 23rd March 2016. She prepared a statutory report **in accordance to Section 160(2)** of the **Children Act 2001** in which she reiterates that both Applicants are suitable to adopt the child. Their desire to expand their family and their love for children is what led them to consider adoption. The Applicants both get along with the child and have developed unconditional love for the child. Adoption would be in the best interest of the child.

Determination

After careful examination of the documents presented before the court as well as the observations made, this Court is of the opinion that it would be in the best interest of the child to be adopted by the Applicants. Therefore, this Court allows S M W and C W K to adopt Baby A B. Henceforth, the child shall be known as L N M. His date of birth shall be 28th August 2014. His place of birth shall be Laikipia County. He is presumed to be a citizen of Kenya by birth. G S M and M W G; brother and sister in law to the second Applicant respectively, shall be the legal guardians of the child should any eventuality arise. This Court directs the Registrar General to duly enter this order in the Adoption Register. The guardian *ad litem* is hereby discharged. It is so ordered.

DELIVERED DATED & SIGNED IN OPEN COURT ON THE 12TH DAY OF APRIL, 2017.

M. W. MUIGAI

JUDGE