



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
ADOPTION CAUSE NO. 10 OF 2017
IN THE MATTER OF THE CHILDREN ACT 2001

AND

IN THE MATTER OF BABY UNKNOWN alias BABY A - A CHILD

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION

BY

C L S AND

E K M..... APPLICANTS

JUDGMENT

1. **C L S** and **E K M** hereinafter referred to as the 1st and 2nd applicants seek to be authorised to adopt baby **Unknown** alias **Baby A** and if the adoption is authorised the said child be known as **A Z K**. That the said child having been found abandoned in Narok be presumed to be a Kenyan Citizen. That **M M M** be appointed Legal Guardian to the child in the event the applicants die or become incapacitated before she attains the age of majority. That the Registrar General makes the appropriate entries into the Adopted Children Register.

2. The applicants are Kenyan Citizens born in 1964 and 1969 respectively. They were married under customary law in 1996 but underwent a statutory marriage on the 2nd day of August 2013. They are financially capable of taking care of the child and are in good health.

3. Baby A was abandoned by an unknown person in a pit latrine at [particulars withheld] Sub Location in Keekonyoike Location within Narok District, Narok County on the 12th day of October 2013. She was at that time aged approximately one (1) month and two (2) weeks old. The baby was taken up by St Thomas Barnados Children's home. The minor was freed for adoption by the Kenya Children's Homes Adoption Society Case Committee in its sitting of 21st May 2014 and a freeing certificate Serial No. [particulars withheld] issued pursuant to Section 156(1) of the Children's Act 2001. She was placed with the applicants on the 31st day of July 2014 for foster care and adoption and she has been residing with the applicants from that time to date.

4. In the report filed by the Kenya Children's Home dated 31st March 2015, the adoption agency details the investigations done on the applicants and recommend the adoption. The report states that the

applicants satisfy all requirements for placement with a child. Since placement they have done remarkably well with the minor who has bonded well with the members of their extended family and that she is in the best hands under the applicants care and adoption is without doubt in her best interest.

5. The report from the Department of Children Services filed on 27th July 2017 recommends the adoption. The report states that the applicants are responsible, mature and financially capable of providing for the child, that there appears to be a perfect bonding between the children her brother to be (applicant's 1st adopted son) and the applicants. They qualify as they have been assessed and found fit to take on the parental responsibilities upon the child permanently as would be conferred on them by the adoption orders sought. The guardian ad litem in his report filed in court the on the 7th September 2017 too recommends the adoption and states that the baby has integrated into the family is looked after well and is provided with love, care and attention by both her parents.

6. This is a local adoption. The applicants are Kenyan citizens. As per the reports tendered the applicants have met all the requisite legal requirements as per the Children Act 2001. This is their 2nd adoption. They have had the child since placement and all reports are favourable. I find that it would be in the child's best interest to authorise the adoption. I therefore authorise the applicants **C L S** and **E K M** to adopt **Baby Unknown alias A** who shall be known as **A Z K** and **M M M (sister to the female applicant)** shall be the child's legal guardian in the event the applicants die before she attains the age of majority. 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 to all the rights that accrue to Kenyan Citizens under the Kenya Constitution 2010 and the Kenya citizenship and immigration Act. The guardian ad litem is hereby discharged. It is so ordered.

Dated signed and delivered this **24th day of November 2017.**

R. E. OUGO

JUDGE

In the presence of;

Mr. Waitutu h/b for Mr. Mwenda For the applicants

M/s Charity Court Clerk