

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO.173 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 aka N W N

S N M1ST APPLICANT

AND

A N N2ND APPLICANT

JUDGMENT

1. The applicants **S N M** and **A N N** are seeking to be authorized to adopt **Baby A** a.k.a **A W N** hereinafter referred to as the child. They also seek that upon making the adoption the child be called **A W N**. They also seek that **B N W** and **J K W** be appointed the legal Guardian of the child in the event of death or incapacity of the applicants before he is of full age.

2. The applicants are both Kenyans born in 1970 and 1971 respectively. The applicants solemnized their marriage on 8th January 2010. The applicants are both [particulars withheld] and business people with their [particulars withheld] shop in Ruiru town. Both of them are in good health and Kenyan residents since birth. They are both physically and emotionally fit to parent a child. They have not been charged or convicted with any criminal offence referred to in the Third Schedule of the Children's Act. They are financially capable of catering to a child's needs.

3. The child was found abandoned on 24/11/2011 and she was rescued by a good Samaritan Shelmith Githui who reported the matter to Huruma police Station vide O. B. no. 37/28/11/2011. A vacancy was secured for her at Missionaries Charity Home on 24/11/2011. The police in their final letter dated 12/06/2011 indicated that their investigation had not borne any fruits. The child was committed to the Missionaries of Charity Home on 27/02/2012 vide care and protection number 37/2012 by Senior Magistrate's Court at Nairobi the baby having not been claimed for a period of more than 6 months was declared free for adoption by KKPI Adoption Society on 27th June 2012 and issued with a certificate declaring a child for adoption no. 219. The child was placed with the applicants on 5th July 2012 and has been under their care since then.

4. The Department of Children Services filed their report on 25th May 2017. The officer observed that the applicants since taking up the child have been providing for the child effectively. They are responsible mature, emotionally and financially capable of providing for the child. The child has bonded well with applicants. The report recommends the local adoption as the applicants have fulfilled the legal requirements as provided under the Children's Act. The applicants are capable of taking on parental responsibility as they are socially fit and are financially capable to provide for the needs of the child the report recommends that the adoption is in the child's best interest.

5. The guardian ad litem report was filed on 6th September 2017. The guardian ad litem observed that the child is comfortable and happy with the adoptive parents. The child has bonded well with the child. The adoptive parents are of good character and can take care of the needs of the child. She observed that the adoptive are perfectly capable of raising the child and 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. 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 her.

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 **S N M** and **A N N** are hereby allowed to adopt **Baby A** a.k.a. **A W N**. She shall henceforth be called **A W N. B N W and J K 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 ordered.

Dated, signed and delivered this **14th** Day of **December** 2017.

R. E. OUGO

JUDGE

In the presence of:

Mr. Kimathi h/b for Mr. Gatumuta

For the Applicants

M/s Charity

the Court Clerk