

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO.70 OF 2016

IN THE MATTER OF THE CHILDREN ACT NUMBER 8 OF 2001

AND

IN THE MATTER OF BABY R Z

IN THE MATTER OF AN APPLICATION FOR ADOPTION BY

J C O Y.....1ST APPLICANT

V M M.....2ND APPLICANT

JUDGMENT

1. The applicants **J C O Y** and **V M M** seek to be authorized to adopt **Baby R Z** hereinafter referred to as the child. They also seek that upon making the adoption the child be called **A Z Y**. They also seek that **Mr. and Mrs. S N K** be appointed the Legal Guardians of the child in the event of any event of death or incapacity of the applicant before the child is of age or independent.

2. The applicants are Kenyan citizens born on 24th February 1964 and 27th February 1985 respectively. The applicants are married in a monogamous relationship. The 1st applicant is self-employed while the 2nd applicant is a housewife. The applicants are financially stable to cater to the needs of the child and are both physically and emotionally fit to parent a child. None of the applicants have been charged or convicted with any criminal offence referred to in the Third Schedule of the Children's Act.

3. The child was born on 1st December 2014 and was abandoned by an unknown woman to another elderly woman known as A W K area in Thika. A rescued the baby and took her to Mukurweini police station. The case was recorded as OB NO. *[particulars withheld]*. On 15th December 2014. Baby R Z was committed for care and protection and on 16th December she was transferred to New Life trust in Nairobi. The minor was declared free for adoption on 13th July 2015 and issued with a certificate for declaring a child free for adoption no. *[Particulars withheld]*. The child was placed with the applicants on 21st July 2015 and has been with them to-date.

4. The Department of Children Services filed their report on 15th November 2017. The officer observed that the child bonded well with the applicants. The applicants are financially able to provide for the minor. The child has sufficient provision and the applicant has proven her ability to care for the child and recommends that the adoption is in the child's best interest.

5. The guardian ad litem report was filed on 16th November 2017. The guardian ad litem observed that the child is well taken of. The applicants have ample finances to take care of the child. They are of sound mental state and good physical health and hence able to provide both the biogenic and psychogenic needs of a child. The extended family supports the adoption. The guardian ad litem 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. The child was abandoned.

7. This court finds that it would be in the best interest of the child to be adopted by the applicant. I allow the application for adoption. The applicants **J C O Y** and **V M M** are hereby allowed to adopt **Baby R Z**. She shall henceforth be called **A Z Y**. **Mr. and Mrs. S N K** shall be the child's legal Guardians 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, 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. Ngaca h/b for Mr. Kitheka For the Applicants

Ms. Charity

Court Clerk