



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**ADOPTION CAUSE NO.250 OF 2013**

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

**AND**

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

**STEPHEN MAINA RUNO.....1ST APPLICANT**

**AND**

**MARGARET WANGUI MAINA.....2ND APPLICANT**

**JUDGMENT**

1. The applicants **STEPHEN MAINA RUNO** and **MARGARET WANGUI MAINA** are seeking to be authorized to adopt baby Riziki and upon making the adoption the child be called **Savannah Wanjiru Maina**. They also seek that **SAMUEL RUNO GATURA** be appointed the legal guardian of the child in case of incapacitation or death.
2. The applicants are Kenyan citizens born in 1975 and 1977 respectively. The parties are married under on 22<sup>nd</sup> October 2011.
3. The child was abandoned on 29<sup>th</sup> October 2011 at Soweto Highrise in Kibera and was rescued by a good Samaritan who took her to AP Police Post at High Rise in Kibera and the same was recorded as Ob. Number 4/29/10/2011. The matter was later reported to Kenyatta Police Post and recorded as OB. Number 9/1/DEC/2011. The child was later taken to Thomas Barnados Home and was committed by Senior Resident Magistrate on 27<sup>th</sup> February 2012 vide child Protection Case no. 27 of 2012. The final letter from Kenyatta Police Post dated 4<sup>th</sup> May 2012 indicates that efforts to trace the child's biological parents had been fruitless. The child was declared free for adoption on 12<sup>th</sup> June 2012 and issued with a certificate of declaring a child free for adoption serial Number 0815. The child was committed to the applicants for care and custody from 26<sup>th</sup> June 2012 to date.
4. The Kenya adoption society has filed a home study on 11<sup>th</sup> November 2013. The report reveals that the applicants have no chronic illness they have received support from their extended family members. The applicants have no criminal record and have both attended a pre-adoption counseling. The report is favorable and recommends the applicants to be allowed to adopt the minor.
5. The Department of Children's services filed their report on 31<sup>st</sup> July 2015. The report is favorable and recommends the applicants are suitable to adopt. The investigations reveal that the applicants are financially capable to provide for the child and the child has bonded well with the applicant. They are mature ,responsible and emotionally capable of taking care of the child plus they have the support of their wider family members . The applicants have had the custody of the child, the child bonded well with them. The report recommends the adoption.
6. This is a local adoption; 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. I allow the application for adoption. The Applicants **STEPHEN MAINA RUNO** and **MARGARET WANGUI MAINA** are hereby allowed to adopt **Riziki** and she shall be known as **SAVANNAH WANJIRU MAINA**. **SAMUEL RUNO GATURA** and **LUCY RUNO** shall be appointed legal guardians to 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.

Dated, Signed and Delivered this **22<sup>nd</sup>** Day of **January** 2016.

**R. E. OUGO**

**JUDGE**

In the presence of:

.....**Applicants**

**Ms. Charity Court Clerk**