



**REPUBLIC OF KENYA**

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

**ADOPTION CAUSE NO.72 OF 2015**

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

**AND**

**IN THE MATTER OF AN ADOPTION OF BABY J A**

**BY**

**C M T & D K T.....APPLICANTS**

**JUDGMENT**

1. The applicants **C M T** and **D K T** are seeking to be authorized to adopt baby **J A**. They also seek that upon making the adoption order the child be called **J H T** and that **M M** be appointed the legal guardian of the child.
2. **C M T** and **D K T** were born on 28th August 1971 and 24th October 1967 respectively. The 1st applicant is employed at [Particulars withheld] Institute Kenya as a German teacher while the 2nd applicant is a banker working with [Particulars withheld] bank, [Particulars withheld] Branch in Nairobi. Both applicants are Kenyan. The child in question has been under their care since 10th October 2013.
3. The child in question was found abandoned as a newborn by a Good Samaritan on 7th March 2013 at [Particulars withheld] sub-location in Meru South. This was reported at Chuka Police Station as O.B. [Particulars withheld]. The child was admitted at Chuka District Hospital until 2nd April 2013 when a committal Order was made in care and protection case no 4 of 2013 in the Children's Court in Chuka and he was committed to the custody of New Life Home Trust, Nyeri. Later on 4th April 2013, he was transferred to New Life Home Trust–Kilimani where he stayed until fostering was commenced.
4. The final letter dated 16th September 2013 from Chuka Police station indicates that investigation into tracing the biological parents of the child was fruitless. The child was declared free for adoption by Little Angels Network on 9th October 2013 and issued with a certificate declaring a child free for adoption certificate number 001364. The child was committed into the care of the applicants on 10th October 2013 upon them signing the required care agreement and has been in their custody to-date. The applicants are of sound mind and have not been convicted of any criminal offence set out in the third schedule of the Children's Act.
5. The Department of Children's Services filed their report on 1st July 2016. The investigator observed that both applicants are employed and financially stable and live in their own home in south end estate and have no objection to child's right to inheritance. The investigator observed that the applicants are responsible, emotionally and socially mature. There is good bonding between the applicants and the child and their extended family is supportive of the applicants adopting. The child has been under the care of the applicants since 10th October 2013 and they have bonded well with the child. The director of Children services' report recommends the child's adoption by the applicants.
6. The guardian ad-litem filed their report on 29th July 2016. The said report was favorable. The guardian ad-litem observed that the applicants are financially stable to take care of J. The applicants are very dedicated to the child. J appears happy having hit all the major milestones without any major health issue. He recommends the adoption of J by the applicants.

7. The applicants are both Kenyan citizens hence this is a local adoption. The reports are favorable and upon perusal of the documents annexed to the said application, it is clear that the applicants have met the legal requirements for adoption. This court finds that it would be in the best interest of baby Joshua to be adopted by the applicants. Baby J was found abandoned and rescued by good Samaritans. The matter was reported to Chuka Police station who as per their letter dated 16th September 2013 efforts to trace the biological parents of the child have been fruitless. This court therefore dispenses with the consent of the child's biological parents.

8. The Applicants **C M T** and **D K T** are hereby authorized to adopt baby J A and he shall henceforth be called **J H T. M M** will be the child's legal guardian 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 order.

Dated Signed and delivered this **30th** Day of **November** 2016.

**R. E. OUGO**

**JUDGE**

In the presence of:

.....**For the Applicants**

**Ms. Charity.....Court Clerk**