

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO.277 OF 2015

IN THE MATTER OF THE CHILDREN ACT NUMBER 8 OF 2001

AND

IN THE MATTER OF AN ADOPTION OF BABY T P BY

J U M &

J A O..APPLICANTS

JUDGMENT

1. The applicants **J U M** and **J A O** are seeking to be authorized to adopt baby **T P**. They also seek that upon making the adoption the child be called **C P U**. They also seek that their **Mr. H B O** and **Mrs C M. O** be appointed the legal Guardians of the child.

2. **J U M** and **J A O** are Kenyan citizens. The 1st applicant was born in 1974 and 2nd applicant was born in 1975. The parties got married on 11th July 2009 but have not gotten a child of their own due to medical reasons. They are both of good health and have no previous criminal records and no pending criminal prosecution.

3. The child in question was born on 26th April 2014 and it is said she was abandoned by her mother one **S M** on 27th April 2014 at Kanyakine Sub County Hospital in Imenti South. The matter was reported to Nkubu Police Station and the Children's office was notified and they secured a vacancy at New Life Home Trust. On 24th April 2014 baby **T** was discharged from hospital and was presented before the Children's court in Nkubu where she was committed to New Life Trust under care and protection number 12 of 2014. The final letter from the police dated 10th November 2014, states that no claimant had come forward to claim the baby and the baby was declared free for adoption by the Little Angels Network on 16th February 2015 and issued with certificate for declaring a child free for adoption serial no. [particulars withheld] and dated 6th February 2015. The child was taken into care and custody of the applicants on 3rd August 2015 and has been under their care and control since then.

4. The Department of Children's Services filed their report on 18th August 2016. The investigator observed that the applicants had bonded with the child and she knows the applicants as her parents. The applicant's family members are supportive of the proposed adoption and have also bonded well with the child. The applicants are socially and economically able to take care of the child. The applicants have no criminal records and were issued with certificate of good conduct. The report notes that the applicants have fulfilled the legal requirements for adoption under the provisions of the children's Act and recommends that it is in the best interest of the child to be adopted by the applicants.

5. The Guardian ad litem filed her report on 30th August 2016. She observed that the baby is in good health and condition and her weight gain has been going up. The child is friendly cheerful has developed fine motor skills. Her speech and language are developing well. She has interest in other children and plays with them she shows curiosity and interest in her surroundings. The child appears to have bonded well with the applicants and she recognizes the 1st applicant as her dad and the 2nd applicant as her mum. The applicants engage the child in different activities like walking and playing together which allows for communication. The applicants appeared to be very ready to receive Baby **T P** who has been in their care and control for over 34 months. The guardian ad-litem recommends the adoption of baby **T P** by the applicants.

6. The applicants are both Kenyan citizens hence this is a local adoption. The reports from the Department of Children Services and the Guardian ad-litem 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. The child was abandoned by her biological parent who is yet to be traced and baby T has no known relatives also as per the final letter from the Nkubu Police Station no one has come forward to claim baby T P.

7. This court finds that it would be in the best interest of baby T P to be adopted by the applicants. The applicants **J U M** and **J A O** are hereby allowed to adopt baby **T P** and she shall henceforth be called **C P U**. **Mr. H B O** and **Mrs. C M. O** will be the child's legal Guardians 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 **15th** Day of **December** 2016.

R. E. OUGO

JUDGE

In the presence of:

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

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