

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO.292 OF 2013

IN THE MATTER OF THE CHILDREN ACT NUMBER 8 OF 2001

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY J

P K M.....1ST APPLICANT

L N M.....2ND APPLICANT

JUDGMENT

The applicants P K M and L N M are seeking to be authorized to adopt baby Joe hereinafter referred to as the child. They also seek that upon making the adoption the child be called T R M K. They also seek that S K K be appointed the legal Guardian of the child

The applicants got married customarily in 1993 and later formalized their marriage on the 5th February 2011. They continue to enjoy a stable marriage even though they have not been blessed with children except 2nd Applicant who has a daughter from her previous relationship.

Baby J a male child was estimated to have been born on 7/03/201. The baby was found abandoned on 17/3/2010 at 6:30 hours at the Posta Stage along Jogoo Road in Nairobi. The baby was admitted at The Missionaries of Charity Children's Home for protection and care on 17/03/2010. He was discharged from the home on 1/04/2011 into the care of the applicants. The child was declared free for adoption on 30th March 2011 .A certificate declaring the child free for adoption No. *[particulars withheld]* was issued. The report from the adoption agency was filed on the 4th of December 2013.

The applicants have met the necessary pre-requisites to adopt the child as prescribed in the Children Act 2001. The report is favorable and recommends that the applicants are suitable to adopt and that they be allowed to adopt. The report from the Director of Children's services was filed on 15th August 2014. Investigations reveal that the child has bonded well with the applicant. The child was observed to be happy and well adjusted to his home.

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. It is evident that the applicants 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 them.

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 **P K M** and **L N M** are hereby allowed to adopt **Baby J**. He shall henceforth be known as **T R M K**. **S K K** shall be the legal Guardian of 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 order.

Signed, dated and delivered this **23rd** Day of **January 2015**.

R. E OUGO

JUDGE

In the presence of:

.....**Applicants**

.....**Court Clerk**