

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

ADOPTION CAUSE NO. 320 of 2013

BABY C J *alias* BABY B WA MINOR

AND

J M K.....1ST APPLICANT

Z M M.....2ND APPLICANT

JUDGEMENT

1. The applicants **J M K** and **Z M M** seek to be authorised to adopt **Baby C J**. The applicants met in 2001 and started courting; married customarily since 2007 statutory scheduled on 12th March 2012. They have attached their marriage certificate which bears serial No. [*particulars withheld*]. The marriage has not been blessed with any biological children due to medical reasons. The doctors have not been able to establish the cause of infertility. The couples enjoy close relationship with members of each other's family. The 1st applicant stated that they have good and supportive relationship with their in laws. The 2nd applicant shared that her extended family is loving, welcoming, comforting and encouraging. She further stated that her father in law was encouraging. Their families are aware of the intended adoption process and are supportive.

2. The child baby C J was born on 7th May 2011 at Ruiru Sub – District Hospital to one B W who absconded and left the baby at the hospital on 8th May 2011. None of his parent's particulars are known. He was abandoned as a new born. The incident was reported at Ruiru Police Station and was recorded in the Occurrence Book vide entry number 32/9/05/2011 which cites an abandoned child. The child remained unclaimed for more than six months (6) months and still remains unclaimed to date, no one has turned up to claim the child hence provisions of Section 159 91) (a) (i) can be applied in this matter. The child through the District Children's office was placed into New Life Home Trust – Kilimani on 19th May 2011. On 4/8/2012 the child was discharged from the home into the care of Mr. **J M K** and **Mrs. Z M M**, the applicants herein with the intention of adoption.

3. The child was declared free for adoption by Little Angels Network Adoption society vide a letter and a certificate Serial No. [*particulars withheld*] was issued on 4th July 2012. A declaration report from the adoption agency was filed on the 17th January 2014. The Director of Children's Services also filed a report dated 18th September 2014. The personal details of the applicants and reasons of adoption are contained in the said report. The Children's officer recommended the applicants to adopt the said baby as they had fulfilled the requirements under the Children's Act and had proved capable of taking on parental responsibility over the child during the placement period and it was in the best interest of the child to grow up in a family setting. The guardian ad litem report by **M K. K** dated 17th November 2014 was favourable and recommended the adoption of the child by the applicants.

4. The Adoption Society, Guardian ad litem and the Director of Children's Services have all established that the applicants are financially and emotionally capable to provide for the up keep and education of the child.

5. After a careful assessment of the reports filed herein, this court has formed the opinion that it would be

in the best interest of the child to be adopted by the Applicants. The application is therefore allowed. The Applicants **J M K** and **Z M M** are hereby allowed to adopt baby **C J alias Baby B W**. He shall henceforth be known as **C M M. M K. K** is discharged as the guardian ad litem is discharged. **S M K and R W K** shall be the legal Guardians of the child in the vent of the death or incapacity of the applicants before the child is of full age and self-reliant. 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 to all the rights that accrue to Kenyan Citizens under the Kenya Constitution 2010 and the Kenya citizenship and immigration Act. It is so ordered.

It is so ordered.

Dated signed and delivered this **13th** day of **February** 2015.

R. E OUGO

JUDGE

In the presence of:

.....**Applicants**

Mr. Makori **Court clerk**