



**REPUBLIC OF KENYA**

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

**ADOPTION CAUSE NO. 204 OF 2014**

**BABY L J.....THE CHILD**

**AND**

**H L.....1<sup>ST</sup> APPLICANT**

**J K L.....2<sup>ND</sup> APPLICANT**

**JUDGEMENT**

1. The applicants **H L** and **J K L** seek to be authorised to adopt **Baby L J**. The applicants met through a Children’s Ministry they both served in 2004. They courted for 2 years and later in 2006 solemnized their marriage. Hermann and Jacqueline married through a church wedding on 14<sup>th</sup> January, 2006. They have furnished their marriage certificate which bears serial number 116551. It is the first marriage for both. The couples do not have biological children due to primary infertility and neither have they adopted before. Having served in a children’s ministry and realizing that they really needed to make a difference in a child’s life, the couple has decided to adopt a child while waiting God to bless them with their own biological child. The 1<sup>st</sup> Applicant is a citizen of Switzerland born on 5<sup>th</sup> September 1967 and is now resident in Kenya. He is a missionary while the second Applicant is a Kenyan citizen born on 1<sup>st</sup> January 1978.

2. The child was born at Nyahururu District Hospital on 25/05/2013, the child’s mother absconded and left him behind at the hospital the same day he was born on 25/05/2013. The matter was reported at Nyahururu police post and an entry made vide OB No. 21/8/10/13. The child was the subject of care and protection case No. 132 of 2013 before the Children’s Court at Nyahururu and on the application of Nyahururu District Children’s Office, the child was committed to New Life Homes Trust Nyeri on 12<sup>th</sup> June 2013. The applicants received the child for mandatory placement period prior to adoption from the home vide foster care agreement form dated 26<sup>th</sup> June 2014. A letter from Nyahururu police station dated 14<sup>th</sup> April 2014 confirms that no one has come forward to claim the said child.

3. The child was declared free for adoption by Little Angels Network Adoption society and a certificate Serial No. *[particulars withheld]* issued on 25<sup>th</sup> day of June 2014. A declaration report from the adoption agency was filed on the 2<sup>nd</sup> October 2014.

4. The applicants have fulfilled all legal requirements relating to the adoption of the child as prescribed in the children’s Act 2001. The Director of Children’s Services the Adoption agency Little Angels Network filed their reports on the 14<sup>th</sup> November 2014 and 2<sup>nd</sup> October 2014 respectively so did the Guardian ad Litem, **J M** on the 17<sup>th</sup> November 2014. All the said reports were favourable and recommended the adoption of the child by the applicants. The applicants are financially and emotionally capable to provide for the up keep and education of the child.

5. Having careful assessed 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 applicants are resident in Kenya and the child has the option of retaining the second Applicant’s Kenyan citizenship, should the family visit or relocate to Switzerland, I note that Switzerland will recognize the adoption orders of this court and grant

the child Swiss citizenship. The applicants have appointed **J M** here in Kenya together with their friends **R** and **C D** of Switzerland to be the legal guardians of the child in the event of their death or incapacity before the child is of full age and fully self-reliant.

6. The Applicants **H L** and **J K L** are hereby allowed to adopt baby L J. He shall henceforth be known as **J M L**. **J M**, **R** and **C D** 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 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.

Dated signed and delivered this Day of **12<sup>th</sup> February 2015**.

**R. E OUGO**

**JUDGE**

In the presence of:

.....**Applicants**

**Mr. Makori** .....**Court Clerk**