



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT KISII**  
**ADOPTION CAUSE NO. 5 OF 2013**  
**IN THE MATTER OF ADOPTION UNDER S. 154**  
**OF THE CHILDREN'S ACT. 2001**  
**AND**  
**IN THE MATTER OF ADOPTION OF BABY**  
**L S AGED 3 YEARS**  
**BY**  
**MR. G A PHILLIP AND**  
**MRS L K M.....APPLICANTS.**

**JUDGMENT**

1. This application dated 23<sup>rd</sup> December, 2013 is brought under Section 154 of the Children's Act 2001 and other enabling provisions of the law, the applicants seek for orders that:-

- 1. That they be authorized to adopt Baby L San infant aged 3 years.*
- 2. That upon the making of the adoption orders the infant be known as R G.*
- 3. That the applicants be issued with an adoption certificate and the names of the adopted infant be entered in the register of adoptions.*
- 4. That M G. K M be appointed to as*
- 5. That consent required under Section 159 of the Children's Act, 2001 be dispensed with.*

2. The application is supported by the statement by the applicants in support of their application for an adoption order. In their said statement they aver that the infant's natural mother and father are not know to them, neither are they known to their extended family. The infant was born and found abandoned along Daraja Mbili market in Kisii Central District.

3. The infant was placed under our care and possession by New Life Home Trust- KISUMU on or about

25<sup>th</sup> January, 2012 after being abandoned. The infant has been continuously in our care and possession since that date.

4. The court has been shown a bundle of documents and reports, touching on baby L. Child Welfare Society of Kenya report dated 29<sup>th</sup> November, 2013, a certificate of declaring a child free for adoption dated 29<sup>th</sup> November, 2013, Home Study report dated 29<sup>th</sup> November, 2013, a letter dated 8<sup>th</sup> March, 2011 sending the infant to New Life Home Trust- Kisumu, social inquiry report dated 8<sup>th</sup> March, 2011, Kisii level five Hospital discharge summary, age assessment form duly filled by New Life Home Trust and many other relevant documents.

**5. Issue for determination.**

Whether this court should allow this application for adoption?

**6. The applicable law.**

Section 156(1) sets out the prerequisites for adoption. The testimonies of the applicants confirmed that all the requirements stipulated by the law and that the legal requirements have been fulfilled.

7. The suitability of the applicants was confirmed during the hearing of this adoption cause PW1, PW2 and PW3 that the minor has lived happily with the applicants and that they have established a warm and cordial relationship with the infant L. There was evidence that the eldest biological son of the applicants supported his parents' decision to adopt L.

The child was found abandoned, thus the needs of S.162(1) does not apply, in respect of obtaining consent.

8. Accordingly, this court being satisfied that all legal requirements for adoption are met, orders are hereby granted in favour of the applicants as prayed for in their application dated 23<sup>rd</sup> December, 2013, being originating summons thereof.

9. I do direct the Registrar General to make appropriate entries in the adopted Children's Register in respect of the infant herein.

Upon this order the infant be known as R G. Costs shall be in the cause.

Dated and delivered at KISII this 20<sup>th</sup> day of March, 2015

**C.B. NAGILLAH,**

**JUDGE.**

**In the presence of:-**

Nyanyuki holding brief for Nyambati for the applicants

The child.

Edwin Mongare uCourt Clerk.