



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF V KENYA AT NYERI**

**ADOPTION CAUSE NO. 16 OF 2014 (O.S.)**

**IN THE MATTER OF THE CHILDREN ACT SECTION 158**

**AND**

**IN THE MATTER OF BABY C M ALIAS C ALIAS BABY P M (CHILD)**

**JUDGEMENT**

The applicants **C G W** and **J N K** have in their originating summons dated 27<sup>th</sup> November 2014 applied to this court under the provisions of the Children Act, No 8 of 2001 for authority to adopt the child known as baby **C M alias c alias baby P M**, (herein after referred to as the child).

The originating summons is grounded on the affidavit of both applicants annexed thereto and sworn on 27<sup>th</sup> November 2014 and the annexures attached thereto. The applicants have also filed a detailed statement in support of their application for adoption, and guardians consent and a verifying affidavit.

Briefly, the applications have sworn that the child was abandoned at [particulars withheld] Bus Stage by its mother and her consent cannot be gotten.

The applicants aver that they are husband and wife and have been married since 1998. They have annexed a copy of the marriage certificate in support of the said averment. The husband, **C G W** was aged **48** years at the time of filing this suit while the wife **J N K** was ages **41** years. The applicants aver that they are fit socially and suited to take care of the child and that their joint monthly income is in excess of **Ksh. 38,000/=**. Both applicants have current police certificates of good conduct and profess the Christian faith.

The child was placed in their care on 8<sup>th</sup> May 2014 by Little Angels Network while aged 9 months and continuously remained under their care since then. On 2<sup>nd</sup> February 2015, the applicants were granted an order by this court appointing them as guardians *ad litem* of the said child.

The reports filed by the Little Angels Network have declared the child to be free for adoption and recommend the adoption and there is evidence that the child has bonded very well with the applicants.

I have carefully perused all the reports in this application and I am satisfied that the proposed adoption is in the best interest of the child who will grow up with a mother and a father figure in his life and will be accorded parental love. I am satisfied that the child will benefit from the parenthood of the applicants and will have a better future and prospects of becoming a useful member of the society.

As the child was abandoned, I dispense with consents of the biological parents. I am satisfied that the

provisions of the Children's Act have been complied with. I allow the application and make the following orders:-

- i. The applicants **C G W** and **J N K** are hereby authorized to adopt the child known as **C M alias Baby P M**.
- ii. The child shall henceforth be known as **C M alias Baby P M A**.
- iii. That the legal guardians of the child shall be **B N K** and **C K K** (who shall step in the shoes of the applicants in the unfortunate event that the applicants are unable to shoulder their parental responsibility).
- iv. The Registrar General shall make an entry of this adoption in the Adopted Children Register in the prescribed form.
- v. For avoidance of doubt, it is herein declared that all rights, duties, obligations and liabilities of the biological parents or guardians of the child are extinguished and all such rights, duties, obligations and liabilities shall vest in and be exercised by and enforceable against the adopting parents, namely, **C G W** and **J N K** as if the said child were their biological child the child shall have the right to inherit the applicants.

Orders accordingly

Dated at Nyeri this 25th day of September 2015.

**John M. Mativo**

**Judge**