

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 245 of 2014

IN THE MATTER OF ADOPTION OF BABY D A

And

IN THE MATTER OF THE APPLICATION FOR ADOPTION

BY

D T N and M W T (APPLICANTS)

JUDGMENT

1. The applicants **D T N** and **M W T** seek to be authorised to adopt baby **D A** and upon making the adoption the child be called **D A N T** and that **J M K** and **J M M N** the 1st and 2nd applicants brother and sister respectively be appointed the legal guardians of the child in the event that of their death or incapacity before the child is of full age and self-reliant.
2. The applicants are Kenyan citizens both born on 1972. They have been married since 12th December 1998 and have one biological child born on 26/1/2006. The applicants are mentally and psychologically fit and have not been charged or convicted by a court of competent jurisdiction set out in the third schedule to this Act or similar offences. They are financially capable to take care of the child. The applicants were investigated by Little Angels Network Adoption Society and found to be fit adoptive parents.
3. Baby **D A** was born on 12th April 2011 and was abandoned by the mother at Kasarani where he was rescued and taken to Kasarani Police Station and matter was recorded as O.B. No. [particulars withheld] and was released to Future Hope and Baby Centre Kasarani on 13th April 2011 for his care and protection. Via a letter dated 27th March 2013, the District Children's Officer at Kasarani requested for a transfer of the child to Thomas Barnados House on 3rd April 2013. The child was committed to the said home on 19th April 2013 under Care and protection No. [particulars withheld]. The OCS Kasarani in his final letter dated 26th February 2013 to Future of Hope Children's home informed them that all efforts to trace the child's kin had been futile. The child was declared free for adoption on 3rd May 2013 by Kenya Children's Home Adoption Society and issued with as certificate to declare a child free for adoption serial no. [particulars withheld]. The applicants took the child under their care and protection on 7th May 2013.
4. The Department of Children's Services filed its report on 24th August 2015. The report is favourable. It was observed that the applicants are socially and economically endowed to take care of the child and that the child has bonded well with the applicants. The applicants have fulfilled the legal requirements for adoption and recommends that the applicants be allowed to adopt the child.
5. The guardian ad litem report was filed on 22nd October 2015. The reporter observes that the applicants have bonded well with the child and he has a good relationship with his grandparents, aunties and cousins. Further that the applicants are financially capable to maintain the child. The report is favourable and recommends the applicants to adopt baby **D A**.

6. Having considered the above and 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' have complied with the legal requirements of the Children Act, the application is allowed. The Applicants **D T N** and **M W T** are hereby allowed to adopt baby **D A** who shall henceforth be called **D A N T. J M K and J M M N** shall be the legal Guardians of the child in the event that of their death or incapacity 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, 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. I hereby discharge the Guardian ad litem. Cost in the cause. It is so ordered.

Dated signed and delivered this 4th Day of December 2015.

R. E. OUGO

JUDGE

In the Presence of:

.....**Applicants**

Ms. Charity

Court clerk