



**REPUBLIC OF KENYA**

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

**ADOPTION CAUSE NO. 182 OF 2013**

**IN THE MATTER OF THE CHILDREN ACT, 2001**

**AND**

**IN THE MATTER OF BABY I K - MINOR**

**P N K ..... 1<sup>ST</sup> APPLICANT**

**N N N .....2<sup>ND</sup>APPLICANT**

**J U D G M E N T**

The applicants, P N K and N N N, are husband and wife. They were married on 5<sup>th</sup> March 1994. The 1<sup>st</sup> applicant is a businessman while the 2<sup>nd</sup> applicant is a medical doctor. The Applicants have been blessed with three (3) biological children. However, they have applied to this court to be allowed to adopt baby I K (the child). The child was presumed to have been born on 8<sup>th</sup> August 2006. He was abandoned by his parents on 10<sup>th</sup> October 2008 at Kericho District Hospital where he was undergoing treatment as an inpatient. A report of the abandonment was made to Kericho Police Station on 20<sup>th</sup> November 2008. The child was discharged and taken to Kids Home International- Kericho where he was admitted on 20<sup>th</sup> November 2008 for temporary care and protection. The Kericho Children's Office managed to secure placement for the child at New Life Home Trust- Kericho. The Children's Court, Kericho committed the custody and care of the child to the said children's home on 10<sup>th</sup> February 2009 pending formal adoption proceedings. He was thereafter transferred to New Life Home Trust- Nakuru on 17<sup>th</sup> December 2009 following closure of New Life Home Trust- Kericho. The applicants were given custody of the child for mandatory foster care on 28<sup>th</sup> July 2010 pending adoption pursuant to a foster care agreement. Since then, the child has been under the continuous custody of the applicants.

Prior to the hearing of the adoption, the Adoption Society, Little Angels Network, prepared a report which is filed in court. They also issued a certificate declaring the child free for adoption. The certificate is dated 21<sup>st</sup> July 2010. The Director of Children's Services has also prepared a report which is on record. The guardian ad litem, S O O, prepared a report which has been filed in court. All the reports are favourable and recommend that the court allows the applicants to adopt the child. I have evaluated the facts of this adoption. This is a local adoption. It is evident that the applicants have fulfilled all the legal requirements relating to the adoption of the child. The consent of the biological parents of the child was dispensed with since the child was abandoned at birth. They cannot be traced to give their consent. This court is satisfied that the applicants are qualified and able to take care of the child. The home visits by the guardian ad litem, the Adoption Society and the Director of the Children Services established that the applicants have the financial and emotional capability to provide for the upkeep and education of the child. This court observed the applicants with the child in court. It was evident that in the period that the applicants have had the custody of the child, the child has bonded well with them. The child considers the applicants his parents.

This court formed the opinion that it would be in the best interest of the child to be adopted by the applicants. I allow the applicants' application for adoption. The applicants, P N K and N N N, are hereby allowed to adopt Baby I K. Henceforth the child shall be known as I K N. His date of birth shall be 8<sup>th</sup> August 2006. His place of birth shall be Kericho- Kenya. He is presumed to have been born in Kenya. V M K, a sister to the 2<sup>nd</sup> applicant shall be the legal guardian of the applicant should such eventuality arise.

I direct the Registrar General to enter this order in the adoption register. I hereby discharge the guardian ad litem. It is so ordered.

**DATED AT NAIROBI THIS 25<sup>TH</sup> DAY OF SEPTEMBER, 2014**

**L. KIMARU**

**JUDGE**