

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MILIMANI

ADOPTION CAUSE NO. 85 OF 2012 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF BABY K H (minor) also known as A C

JUDGEMENT

The applicants, Charles E B and M N B, are a married couple; the first applicant is a citizen of the United States of America, while the second applicant is a Kenyan national. They seek in their Originating Summons dated 20th April 2012 to adopt Baby K H also known as A C O (minor).

Baby K H (minor), the subject of these adoption proceedings, is a child who was found abandoned at the (withheld) Hospital on 10th January 2011. He was estimated to have been two months old or thereabout at the time. His estimated date of birth (withheld). A report of the abandonment was made at the Kondele Police Post, from where he was referred to the New Life Home Trust for care and protection. He was subsequently formally committed to that institution by the Winam Children's Court. No one has ever claimed him. The Little Angels Network freed him for adoption, by their certificate dated 21st September 2011. He was placed with the applicants for adoption purposes on 29th October 2011. A detailed background, complete with relevant correspondence and other documents, is contained in the report of the Little Angels Network dated 21st September 2011 and filed herein on 23rd May 2012.

To facilitate the adoption the applicants have been assessed by the Little Angels Network and by the Director of Children Services. These two have compiled and filed their reports in court, dated 7th September 2011 and 14th August 2012, respectively. All these reports are favourable and recommend the proposed adoption. The applicants have demonstrated that they have the financial and emotional capability and capacity to take care of the child. The child appears to have bonded well with the applicants and he considers them to be his parents.

I note that the report of the guardian *ad litem* is not on record. It is a requirement under the Children Act that a guardian *ad litem* be appointed, one was appointed in this case, P W W. The guardian *ad litem* is required to file a report for the purposes of the adoption proceedings. It is a mandatory requirement of the law. I cannot decide this matter before that requirement has been complied with. The guardian *ad litem* is hereby ordered to cause her report to be filed in court within 21 days. The matter shall be mentioned after 30 days for compliance and for further orders.

Dated, signed and delivered on this 27th day

of June, 2013

W. MUSYOKA

JUDGE