



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
ADOPTION CAUSE NO.191 OF 2009
IN THE MATTER OF THE CHILDREN ACT, 2001
AND
IN THE MATTER OF BABY C.H - INFANT

A.K. M.....1ST APPLICANT
M.K.M.....2ND APPLICANT

J U D G M E N T

1. The Applicants in this matter seek orders of adoption of a child under Sections 154, 156, 158(i)(a), 4(c), 159(i), (7)160, 163(i), 164 and 170 of the Children's Act, No.8 of 2001 and Section 22 of the Interpretation and General Provisions Act, Cap.2 Laws of Kenya and in the Originating Summons dated 16th December 2009, they specifically seek orders that one L.L, be appointed Guardian ad litem and that they be granted orders to adopt the infant aforesaid.

2. On 14th may 2010 Kimaru J. appointed one K.M.N instead of L.L as Guardian ad Litem and ordered that a report by the Director of the Children's Department in the Ministry of Gender, Children and Social Development be filed on the Applicants' suitability to adopt the child.

3. I have taken into account the submissions by the advocate for the Applicants and I also note as follows;

(i) The child was born to unknown parents and found abandoned at M in Vihiga District, and she was later admitted to New Life Children Home Trust – Kisumu.

(ii) By his Affidavit sworn on 16th December 2009, the 1st Applicant deponed that he and his wife have lived with the infant since 14th March 2009 and are financially able to protect and take care of her.

4. At the hearing of the Summons, Ms. G.A of the Little Angels Network indicated that by a Report filed on 13th January 2010, the child was declared free for adoption and also by a Report dated 3rd February 2011, the Director of Children's Services, recommended that final adoption orders can be granted in favour of the Applicants.

5. Having reviewed the matter, I am satisfied that the Applicants are fit to be granted the adoption orders and further, it is in the child's best interest that the order of adoption should be granted and I so order as prayed in the Summons dated 16th December 2009.

6. In conclusion, I will order that;

- (i) A.K.M and M.K.M be and hereby granted orders to adopt the child, C.H.
- (ii) The child shall be known by the names, I.N.K.
- (iii) The Registrar General should make the appropriate entry in the Adopted Children's Register.
- (iv) The Guardian ad Litem is hereby discharged.
- (v) Costs will be in the Cause.

7. Orders accordingly.

DELIVERED, DATED AND SIGNED AT NAIROBI THIS 8TH DAY OF JULY, 2011

**I. LENAOLA
JUDGE**

CORAM

**I. LENAOLA – JUDGE
David – Court Clerk**

Miss Manegene hold brief for Mr. Wanyonyi for Applicant

ORDER

Judgment duly read.

**I. LENAOLA
JUDGE**