



**IN THE MATTER OF THE CHILDREN ACT, 2001
AND
IN THE MATTER OF BABY L – MINOR**

**R. J.D.....1ST
APPLICANT**

**S.K.K.....2ND
APPLICANT**

J U D G M E N T

1. The Applicants herein, seeks orders under Sections 154, 156, 158(a), 159(1) and (7), 160, 163, 164 and 170 of the Children’s Act, 2001 as well as Section 22 of the Interpretation and General Provisions Act, Cap.2, Laws of Kenya and in the Originating Summons dated 26th January 2011, they specifically seek orders that one, N.R.M, be appointed Guardian ad litem and that the Director of Children’s Services should investigate and file a report on the Applicants fitness to adopt the child before any final adoption orders can be made by this court.
2. The Guardian ad litem was appointed on 4th March 2011 by Maraga J. and the report by the Director of the children’s Department in the Ministry of Gender, Children and Social Development was filed on 2nd June 2011 and I am now required to determine whether the Applicants should be granted orders to adopt the child, subject of these proceedings.
3. I have perused the following documents:
 - (i) An Affidavit sworn on 3rd December 2011 by the Applicants, jointly.
 - (ii) A Statement of Facts dated 3rd December 2011 made by the Applicants, jointly.
4. The gist of both documents is that the 1st Applicant was born on 30th May 1967 in the United Kingdom while the 2nd Applicant was born on 4th February 1962 in Kenya and they both reside and work for gain in Nairobi.
5. Further, that the child was born on or around 17th November 2009 to unknown parents as she was found abandoned at Ongata Rongai area and was later taken to Hope House Babies Home for care and protection.
6. The Director of Children’s Services in the Ministry of Gender, Children and Social Development by a report dated 31st May 2011 has also recommended that the Applicants be allowed the chance to adopt Baby L aforesaid.
7. Little Angels Network by a report dated 5th October 2010 has declared that the child is free for

adoption pursuant to Section 156 (1) of the Children's Act.

8. Having heard Mr. Mwenda for the Applicants and having read all matters on record, I am satisfied that on the law and facts that the Applicants are fit to be made adoptive parents of Baby L. It will also be in the child's best interests that she gets a home, parents and siblings and that being the case, I will order as follows.

- (i) R.J.D and S.K.K are authorized by this court to adopt Baby L and the child shall henceforth be known as K.K.D.
- (ii) C.K.K is hereby appointed the Legal Guardian of the child should any misfortune befall the Applicants.
- (iii) The Registrar General is hereby directed to enter this order in the Adoption Register.
- (iv) The Guardian ad Litem is hereby discharged of any responsibilities over the child.
- (v) I shall make no order as to costs.

9. Orders accordingly.

DELIVERED, DATED AND SIGNED AT NAIROBI THIS 1ST DAY OF JULY, 2011

**I. LENAOLA
JUDGE**