



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)

Adoption Cause 37 of 2009

IN THE MATTER OF THE CHILDREN ACT (No. 8 of 2001)

AND

IN THE MATTER OF BABY S.N

J U D G M E N T

This is an Originating Summons dated 23rd March, 2009 filed by M/s Rautta & Company advocates for the applicants named as **T.D.O** and **W.M.O**. The application was filed under the Children Act (**No. 8 of 2001**). It is an application for the adoption of a child named as **BABY S.N**. Prayers 1 and 2 of the application have already been spent.

The application was filed with a **STATEMENT** of the applicants dated 23rd March 2009 which gives the facts relating to the application, the particulars of the applicants, as well as the particulars of the children. Also filed was an **AFFIDAVIT** sworn on 23rd March 2009. Other documents relating to the proposed guardian ad Litem were also filed.

On 29th May, 2009 a guardian ad Litem **A.O.O** was appointed by court. The guardian ad Litem, the Kenya children's Home, (adoption society) and the Director of Children Services filed reports. On the hearing date, Ms. Kimenyi for the applicants, Mr. Peter Ndotono for the adoption society, the guardian ad litem and the representative of the Director of Children Services Mr. Wamakobe addressed me.

From the facts and evidence produced before me, the applicants are Kenyans, and are a husband and wife. They have of their own volition opted to adopt this child. They are employed and earning a good income. They are Christians. This is a local adoption.

The child is an abandoned child. Nobody has come forward so far to claim him after he was found abandoned in Nairobi around 22nd March 2007. Report was made to Embakasi Police Station, and the police have not received any information on the biological parents. The child was declared free for adoption by the adoption society. The child was placed with the applicants since 31st December, 2007.

Having considered the facts and circumstances of this case, I am of the view that the adoption will be in the best interests of the child. It will give this otherwise abandoned child an opportunity to grow up in a family with love, care and guidance. I will grant the adoption orders.

Consequently, and for the above reasons, I order as follows-

1. *The applicants be and are hereby authorized to
adopt the child currently identified and known as BABY S.N who will on this adoption be known as M. O. O.*
2. *The consent of the biological parents is dispensed
with.*
3. *I direct the Registrar General to make the
Appropriate entries of this adoption in the adopted children register.*

Dated and delivered at Nairobi this 26th day of February, 2010.

George Dulu

Judge.

In the presence of-

Ms. Njagi holding brief for Ms. Kimenyi for applicants

Mr. David Mutisya - court clerk