



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NYAHURURU

ADOPTION CAUSE NO.1 OF 2019

BABY AM ALIAS V.....THE CHILD

-BY -

IKK.....1ST APPLICANT

-AND -

ANK.....2ND APPLICANT

J U D G M E N T

The applicants, **IKK** and **ANK**. seek to be authorized to adopt Baby **AM**. alias **V**. They also seek that upon making the adoption order, the child be known as **AMK**. They also pray that **JKK** and **AWK** be appointed as legal guidians of the child in the event of death or incapacity of the applicants before the child is of full age and fully self-reliant. Lastly, that the Registrar General be directed to enter in the Adopted Children Register an entry recording the said adoption.

In support of the Originating Summons, the applicants filed a joint statement dated 28/11/2018 and affidavits in support of the application and affidavit of means.

The applicants are both Kenyan Citizens. The first applicant was born in Tetu Nyeri in 1961, whereas the 2nd applicant was born in Othaya, Nyeri, in 1976. They got married in 2007 but are not blessed with any children. However, the 1st applicant has another wife with whom he has 7 children.

The child **AM** was found abandoned by the gate of the Catholic Church, Nyahururu on 15/6/2015 and a report was made to Nyahururu Police Station vide O.B.[XXXX]. The police had the child admitted at Nyahururu County Hospital for care. The Nyahururu County Children Officer secured a place for the child at New Life Home Trust vide the court’s order in NYA Protection and Care Case No.139/2015 (1A4). Both the police and Nyahururu County Children Office were not able to trace the biological parents of the child and the child was declared free for adoption by Change Trust Adoption Society and was placed under the care of the applicants on 2/11/2016. The child has continued to be under their care since then.

I have seen the applicants’ affidavit of means. The 1st applicant is a farmer and estate agent while the 2nd applicant is a dress maker and runs a baby day care. They are financially stable, in good physical health and have no previous criminal records.

A report dated 3/10/2019 from The Children’s Officer Nyandarua North Sub-County made their own independent findings and found that the child has been living with the applicants comfortably and has fitted in the home, relates well with the applicants calling them mother and father.

On 2/4/2019, the court allowed **JMG**, a friend of the applicants to be appointed as guardian ad litem. The guardian ad litem filed his report on 28/2/2020 in which he noted that the child had bonded well with the applicants and extended family, that they have the means to love and take care for the child. He recommended that the applicants be allowed to adopt the child.

It is evident that the applicants have fulfilled the legal requirements relating to adoption of the child under the Children Act. This court is satisfied that the applicants are qualified and able to take care of the child, financially and provide for the upkeep and education of the child.

This court therefore finds that it is in the best interests of the child that the child **AM** be adopted by the applicants. I hereby allow the application for adoption. The upshot is that:

(1) The applicants **IKK** and **ANK** are allowed to adopt the child **AM** alias **V**;

(2) That the child shall henceforth be known as AMK;

(3) JKK and AWK shall be the child's legal guardians in the event of death or incapacity of the applicants before the child is of full age.

(4) I hereby direct the Registrar General to enter this order in the adoption Register.

(5) The child being a Kenyan, will be entitled to all rights that accrue to all Kenyan Citizens under the Kenyan Constitution, 2010 and the Kenya Citizenship and Immigration Act.

(6) The Guardian ad Litem is hereby discharged. It is so ordered.

Dated, Signed and Delivered at NYAHURURU this 19th day of May, 2020.

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R.P.V. Wendoh

JUDGE

PRESENT:

Mr. Maina Kairu for Komu Kamenjo for applicant

Eric – Court Assistant