



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
ADOPTION CAUSE NO. 113 OF 2018(OS)
IN THE MATTER OF THE CHILDREN ACT 2001

AND

IN THE MATTER OF BABY GL, (CHILD)

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION BY

JNM.....1ST APPLICANT

TMN.....2ND APPLICANT

JUDGMENT

1. The applicants are a Kenyan couple aged 60 and 51, respectively. The first applicant is a businessman while the second applicant is a receptionist. They are married and blessed with two children. They filed an amended originating summons on 11th December 2018 seeking to be allowed to adopt the male child who is estimated to have been born on 6th January 2011.

2. Child GL was found abandoned at someone's door and the matter was reported to Nakuru Police Station via OB No. xx/xx/x/xxxx. The child was formally committed to Africa Gospel Church Baby Centre-Nakuru for care and protection by the Children's Court, Nakuru on 6th February 2012 vide Protection and Care Cause No. 119 of 2012. The final police letter dated 21st September 2011 stated that no claim had been made by the child's biological parents or family. The child was declared free for adoption under **section 156(1)** of the **Children's Act** by Kenya Children's Homes Adoption Society on 13th March 2012 and Certificate No. [xxxx] issued. He was placed under the care of the applicants for mandatory bonding prior to adoption. He has been under the continuous care of the applicants since 26th January 2017.

3. The court on 26th October 2018 appointed JMK as guardian *ad litem* and ordered that he files a report after carrying out a social inquiry on the applicants to determine their suitability to adopt the child. A similar report was sought from the Director of Children Services. Both reports were duly filed, and each recommended that the applicants be allowed to adopt the child. The reports found that the applicants were socially, emotionally and financially stable and suitable to adopt the child. It was also found that the child and the applicants had bonded well.

4. The court finds that it is in the best interest of the child to be adopted by the applicants. The applicants have demonstrated their ability to provide a conducive home and family environment in which the child will grow and develop. They will assume all parental rights and obligations of the biological parents of the child once adopted, and shall treat him as if he was borne to them. They have been made aware that once the adoption order is made, it shall be final and binding during the lifetime of the child. The child shall have the right to inherit their property. The applicants shall not be able to give up the child owing to any subsequent unforeseen behaviour or other changes in the child. This court dispenses with the consent of the child's biological parents as the child was found abandoned. The applicant's children have consented to the adoption.

5. Having been satisfied that all the legal requirements for a local adoption under the **Children Act** have been met, the following orders shall issue:-

a) the applicants JNM and TMN are hereby allowed to adopt Child GL.;

b) Child GL shall henceforth be known as GBN;

c) the child's date of birth shall be 6th January 2011, and shall be presumed Kenyan by birth having been abandoned at Nakuru in

Kenya;

d) VNN is hereby appointed to be the child's legal guardian in the event of the death or incapacity of the applicants before she is of full age and fully self-reliant;

e) the Registrar-General is directed to enter this adoption in the Adopted Children Register; and

f) the guardian *ad litem* is hereby discharged.

DATED and SIGNED at NAIROBI this 5TH day of FEBRUARY 2019.

A.O. MUCHELULE

JUDGE

DATED and DELIVERED at NAIROBI this 7TH day of FEBRUARY 2019.

ALI-ARONI

JUDGE