

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NANYUKI

ADOPTION CAUSE NO 7 OF 2018

(FORMERLY NYERI HIGH COURT ADOPTION CAUSE NO 17 OF 2015 (O S))

IN THE MATTER OF JIMK (A CHILD)

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION

1. CKK

2. AMM.....APPLICANTS

J U D G M E N T

1. The **originating summons** herein **dated 28th October 2015** seeks the main relief of an order for the adoption for the Child called **JIMK** by the Applicants **CKK** and **AMM**.

2. The Applicants, when the originating summons was filed, were aged 63 and 53 years respectively. They are now about 4 years older, at about 67 and 57 years respectively. It is not immediately clear why this matter was not prosecuted sooner. It was originally filed at the High Court, Nyeri and subsequently transferred to this court by an order entered at Nyeri on 13th March, 2018. Be that as it may, the age of the 1st Applicant (67 years) is not an issue as the 2nd Applicant is 57 years old. This is a joint application by two spouses where at least one of them has not attained the age of 65 years.

3. I have also examined all the other necessary personal details of the Applicants as set out in their various pleadings and reports by the adoption society (**Little Angels Networks**) dated 21st November 2012; by the guardian *ad litem* (**VAO**) dated 10th December 2018; and by the Children's Department (**Laikipia East Sub-County**) dated 1st February 2019. They are all favourable to the adoption order sought.

4. The Applicants are not disqualified from adopting the Child under any of the various parameters set out under **sections 156, 157, 158 and 159** of the **Children Act, Cap 141**.

5. The Child was born about 13th February, 2012. He was found abandoned behind the **Nanyuki Teaching and Referral Hospital** on 16th February 2012. The Child was then rescued and the matter reported to **Nanyuki Police Station**. He was eventually committed to care and protection vide **Nyeri Children's Court C & P Case No 58 of 2012**. Later he was released to the custody and care of the Applicants.

6. Nobody has ever come forward to claim the Child who appears to have now settled in very well with his prospective adoptive parents.

7. I have considered all matters placed before the court. I am satisfied that the Applicants are suitable parents who have already successfully brought up their one biological child, a daughter, to maturity. She is now a university graduate and has a family of her own. She has no objection to the adoption order sought.

8. I am further satisfied that the adoption order sought will be entirely in consonance with the best interests and welfare of the Child who will now have loving parents and a loving home.

9. I will therefore allow prayer 2 of the originating summons dated 28th October, 2015 and grant the adoption order sought. I also direct that the Child's name be entered in the **Adopted Children's Register** kept by the **Registrar-General**. It is so ordered.

DATED AND SIGNED AT NANYUKI THIS 7TH DAY OF MARCH 2019

H P G WAWERU

JUDGE

DELIVERED AT NANYUKI THIS 7TH DAY OF MARCH 2019