



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NYERI**

**ADOPTION CAUSE NO. 1 OF 2018 (OS)**

**IN THE MATTER OF BABY LC alias MK G (CHILD)**

**AND**

**IN THE MATTER OF AN APPLICATION FOR ADOPTION ORDER BY GGK & RNG**

**AND**

**IN THE MATTER OF THE CHILDREN'S ACT**

**RULING**

1. The application is brought by way of an Originating Summons and is dated the 19<sup>th</sup> day of February, 2018. The applicants seek the following Orders;

(a) That **FKC** be appointed as guardian ad litem herein;

(b) That the applicants **GGK & RNG** be authorized to adopt **BABY LC alias MKG**;

(c) That the Honorable Court do dispense with the mother's consent as she had abandoned the child in Naivasha within Nakuru County;

2. The baby who is male was born on the 18<sup>th</sup> March, 2014 and was found abandoned by his biological mother within [Particulars Withheld] Estate near the Kabati mosque; the baby was first taken to the Naivasha District Hospital and the case of abandonment was later reported to the Naivasha Police Station vide OB No.[xxxx]; efforts to trace the biological mother have borne no fruits; given these circumstances this court will dispense with the consent of the biological mother;

3. The baby was admitted to the Limuru Children's Centre, Limuru for care and protection whilst awaiting committal; under the **Protection and Care Case No. 105 of 2015** the Children's Court at Naivasha committed baby **LC alias MKG** to the aforesaid institution for a period of three (3) years for protection and care and on the 10/06/2016 he was declared free for adoption under Section 156(1) of the Children's Act and a Certificate Serial Number xxxx was issued by the Change Trust.

4. The Guardian Ad Litem **FKC** was appointed on the **28/02/2018** and after visiting and interrogating the applicants the Nyeri County Director of Children's Services filed a favorable Social Enquiry Report dated the 21/12/2018 and filed in court on the **29/01/2019** on the applicants' suitability to adopt baby **LC alias MKG**;

5. After reading and taking into consideration the contents of this report and satisfying myself that all the legal requirements had been adhered notably; that the applicants were married under customary law on the 13/06/2001 and the marriage was solemnized in 2011; at the time of filing this application **GGK** was aged 60years whereas **RNG** was aged 47 years; and therefore both their ages fall within the prescribed legal parameters; the applicants disclosed that they had two (2) adult children gotten by the 1<sup>st</sup> applicant from his marriage with one BW (deceased); that they also have another adopted female child aged eight (8) years and nine months who was in Class 4 at the [Particulars Withheld] Academy; the 1<sup>st</sup> applicant has a long standing record of protecting vulnerable and needy children and providing alternative family care inclusive of adoption; having adopted their first daughter they are eagerly awaiting to adopt their second child Michael, a son;

6. **GEORGE GACHUHI KIBUKU** is a retired former Provincial Director of Children's Services and currently in private business; as **RNG** is a committed church member and is involved in the Women's Ministry and holds the positions of Choir Director, Youth Leader and Head deaconess; she supplements the family income through her business activities which includes tailoring work; they annexed their bank

statements to demonstrate their financial standing and suitability; these documents demonstrate that the applicants are capable of providing the baby with the necessary care and support;

7. The child has been under the care of the applicants since the 3/10/2016 and upon observing the applicants with the child during the court session this court noted the existence of a strong emotional bonding between the child and the applicants which must have grown since the child was placed in the applicants' care; the child appears to be happy, healthy and well taken care of.

8. The Certificate of Good Conduct is current and valid and this court is satisfied that there are no adverse circumstances discernible from the families of the applicant or any individual characteristics or lifestyle that would be detrimental to the baby;

9. For the reasons stated above this court is satisfied that the applicants are suitable persons to adopt Baby **LC alias MKG**; that they have the resources to provide and take care of **LC alias MKG**; and that the order for adoption will be in the best interest of the baby.

#### **DETERMINATION**

10. The application for adoption is hereby allowed;

11. The applicants are hereby allowed to adopt baby **LC alias MKG**; he shall be known as **MKG**.

12. The Registrar General is hereby directed to enter this adoption order in the Adoption Register; the Registrar Births and Deaths is hereby directed to issue a Certificate of Birth in the name **MKG**.

13. The Guardian ad Litem is hereby discharged and is hereby appointed as Legal Guardian until baby **MKG** attains the age of majority of eighteen (18) years.

Orders Accordingly.

**Dated, Signed and Delivered at Nyeri this 4<sup>th</sup> day of July, 2019.**

**HON.A.MSHILA**

**JUDGE**