



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

ADOPTION CAUSE NO. 41 OF 2019

IN THE MATTER OF THE CHILDREN ACT NO. 8 OF 2001

AND

IN THE MATTER OF APPLICATION FOR THE ADOPTION OF BABY LP alias R

LTM.....1ST APPLICANT

H L2ND APPLICANT

JUDGMENT

1. The 1st and 2nd Applicants herein filed the originating Summons dated 1.4.2019 seeking authority to adopt Baby L.P alias R. (hereafter referred to as the child).
2. The Applicants are adult Kenyan Citizens who got married on 13.8.2016 at Maralal Catholic Church after a customary marriage which took place in December, 2014 at Baragoi.
3. The Applicants do not have a biological child of their own hence the motivation to adopt the child.
4. The Applicants have filed medical reports and certificates of good conduct to demonstrate that they are in good health and they have no medical condition.
5. The 1st and 2nd Applicants are also in gainful employment. The 1st Applicant is a director of administration while the 2nd Applicant is a secretary. They have attached their pay slips and bank statements to show their financial capability to take care of the child.
6. The child was found abandoned at Kangemi Area by one LM on 27.1.2017.
7. The child was estimated born on 21.3. 2015. The mother of the child asked L for a place to change the Child and abandoned the child.
8. L reported the matter to Kabete Police Station and the child was referred to House of Charity Children's home on 21.3.2017.
9. Police did investigations and wrote an initial police letter dated 21.3.2017 and a second letter dated 16.1.2018 stating that the biological mother of the child could not be located.
10. The child was officially committed to House of Charity Children's home vide committal Order dated 30.5.2018 from Nairobi Juvenile Court and P&C Case No. 172 of 2018.
11. The child was declared free for adoption on 31.5.2018 vide certificate No. xxxx.
12. The following reports were filed in respect of the child:

i. The Guardian Ad Litem's report dated 1.10.2019

ii. The Director Children's report dated 5.8.2019.

iii. The Little Angel's Network report dated 31.5.2018.

13. I have considered the originating summons dated 1.4.2019 together with Supporting Affidavit and the reports filed herein with annexures thereto. I find that all the reports are favourable.

14. I find that the 1st and 2nd Applicants meet the threshold for adoption of the child.

15. Finally, in deciding this matter I am obliged to adhere to Section 4(2) of the Children Act 2011, which provides:

“In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.”

16. The Consent of the biological parents of the child is dispensed with as the child was found abandoned.

17. The Originating summons dated 1.4.2019 be and is hereby allowed in the following terms:

i. THAT the 1st and 2nd Applicants be and are hereby authorized to adopt the child.

ii. THAT the Consent of the Biological Parents of the child be and is hereby dispensed with as the child was found abandoned.

iii. THAT the child be called LL.

iv. THAT the Registrar General be and is hereby directed to enter this adoption order in the Adoption Children's Register.

v. THAT JL and LKM be and are hereby appointed legal guardians of the child in the event of death or incapacity of the 1st and 2nd Applicants before the child attains the age of majority.

vi. THAT date of birth of the child shall be 21.3.2015.

vii. THAT the guardian Ad Litem be and is hereby discharged.

Orders to issue accordingly

DELIVERED, DATED AND SIGNED IN OPEN COURT THIS 1ST DAY OF NOVEMBER, 2019

ASENATH ONGERI

JUDGE OF THE HIGH COURT OF KENYA, NAIROBI.