



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**ADOPTION CAUSE NO.224 OF 2013**

**IN THE MATTER OF THE CHILDREN ACT NUMBER 8 OF 2001**

**AND**

**IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY A Z**

**F G M.....1<sup>ST</sup> APPLICANT**

**J N K.....2<sup>ND</sup> APPLICANT**

**JUDGMENT**

The applicants **F G M** and **J N K** are married under customary law and are seeking to be authorized to adopt **baby A Z** hereinafter referred to as the child. They seek that upon making the adoption the child be called **J L M**. They also seek that **P W G** be the Legal Guardian of the child in the event of death or incapacity of the applicant before she is of full age.

The applicants are both Kenyan citizens born in 1965 and 1970 respectively. The applicants got married on 14th September 2010 and have not been blessed with any child of their own. The 1st applicant is a Public Servant while the 2nd applicant is a business woman. The applicants have no previous criminal record, are of good health and do not abuse narcotics or drugs. They both have sufficient income to take good care of the child.

The child was born abandoned at Mlango Kubwa and was rescued by a good Samaritan named Monicah Kanini. The matter was reported to Pangani Police Station as OB No. [Particulars withheld] on 10th September 2008. The child was taken to Eastern Deaneys Aids Relief Program for medical assessment and care. He was placed with New Life Trust for care and protection as investigations were ongoing. The child was committed to New Life Home Kilimani on 15th December 2008 as a child in need of care and protection in C&P Protection Case Number 200 of 2009 at the Children's Court at Nairobi.

The child was declared free for adoption by Little Angels Network on 8th July 2009 and issued with a certificate declaring a child free for adoption serial number [Particulars withheld] 27th July 2011. The child was placed with the applicants for bonding on 22nd April 2009 as per the foster care pending adoption agreement dated the same day and has been in their care ever since.

The Department of Children Services filed their report on 19th June February 2018. The report recommends the local adoption as the applicant has fulfilled the legal requirements as provided under the Children's Act 2001. The officer observed that the applicants are able to provide for the child's needs. They have bonded well with the child.

The guardian ad litem report was filed on 6th August 2014. The guardian ad litem recommends the adoption. The guardian ad litem observed that the relate well with the child. The child is jovial, social and talkative and relates well with other relatives. He is playful and very friendly.

It is evident that the applicants have has fulfilled all the legal requirements relating to the adoption of the child. This Court is satisfied that the applicants are qualified and able to take care of the child. They are financially stable and capable to provide for the upkeep and education of the child. It was evident that in the period that the applicants have had the custody of the child, the child bonded well with them.

This Court finds that it would be in the best interest of the child to be adopted by the applicants. I allow the application for adoption. The applicants **F G M** and **J N K** are hereby allowed to adopt **Baby A Z** shall henceforth be called **J L M**. **P W G** shall be the child's Legal Guardians in the event of death or incapacity of the applicants before he is of full age. I direct the Registrar General to enter this order in the adoption register. The child was born in Kenya and is therefore a Kenyan by birth and is entitled all the rights that accrue to Kenyan citizens under the Kenya Constitution 2010 and the Kenya citizenship and Immigration Act. I hereby discharge the Guardian ad litem. It is so ordered.

**DATED, SIGNED AND DELIVERED THIS 12<sup>TH</sup> DAY OF NOVEMBER 2018.**

**M. W. MUIGAI**

**JUDGE- FAMILY DIVISION HIGH COURT**

**IN THE PRESENCE OF;**

**MR. OGUTU FOR THE APPLICANT**

