



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

ADOPTION CAUSE NO.6 OF 2018

IN THE MATTER OF THE CHILDREN ACT

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY W

A O O.....1ST APPLICANT

C N M.2ND APPLICANT

JUDGMENT

The applicants **AOO** and **CNM** are seeking to be authorized to adopt **Baby W** hereinafter referred to as the child. They seek that upon making the adoption the child be called **SWO**. They also seek that **COO and LMM** be the Legal Guardians 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 1977 and 1975 respectively. The applicants were married on 25th January 2012 and have not been blessed with any child of their own. The 1st applicant is a Web Developer at [particulars withheld] and the 2nd applicant is a Programs Officer at [particulars withheld]. The applicants have no previous criminal record, are of good health. They both have sufficient income to take good care of the child.

The child was born on 9th January 2017 and according to a letter dated 9th January 2017 from Kiamumbi Police station was found abandoned at Kahawa West. He was rescued by one RN and SW who took the child to Kahawa West Heath center for check-up and later reported the matter to Kiamumbi Police Station and the same was booked as OB 23/09/01/2017. The child was committed to happy Life Children's home on 8th march 2017 as a child in need of care and protection case No. 67 of 2017 by the Children's Court in Nairobi.

The child was declared free for adoption by Buckner Kenya Adoption Services on 14th July 2017 and issued with a certificate declaring a child free for adoption serial number 0194. The child was placed with the applicants for bonding on 31st January 2017 as per the foster care pending adoption agreement dated the same day and has been in their care ever since. Buckner Kenya Adoption Services filed Report on 18th April, 2018.

The Department of Children Services filed their report on 24th July 2018. The report recommends the local adoption as the applicants have fulfilled the legal requirements as provided under the Children's Act 2001. The officer observed that the applicants have proven that they can take care of the child and provide him with love, care and other basic needs. The child has also bonded well with the applicants.

Guardian *ad litem* report was filed on 6th June 2018 and recommends the adoption. The guardian ad litem observed that the child has bonded well with the applicants for the time they have been with them and that the applicants are financially able to provide for the child.

It is evident that the applicants have 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 **AOO and CNM** are hereby allowed to adopt **Baby W** and he shall henceforth be called **SWO**. **COO and LMM** 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 order.

DATED, SIGNED AND DELIVERED THIS 12TH DAY OF NOVEMBER 2018.

M. W. MUIGAI

JUDGE- FAMILY DIVISION HIGH COURT

IN THE PRESENCE OF:

MR OCHIENG FOR APPLICANTS

PATRICK KINUTHIA COURT CLERK.