

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 44 OF 2016

AND

IN THE MATTER OF CHILDREN'S ACT of 2001

AND

IN THE MATTER OF BABY J (THE MINOR)

**IN THE MATTER OF AN APPLICATION FOR AN ADOPTION ORDERED BY PNM AND
CKK**

JUDGMENT

1. The applicants **PNM** and **CKK** got married in October 2004 under Kimeru Customary law. They solemnized their marriage under Kenya Marriage Act 2014 under the Attorney General Office Sheria House on 23rd October 2015. The couple have not been able to get their own biological children. On the 7th of April 2015 they made an application to Buckner Kenya Adoption Society seeking to adopt and as a result, they then approached Happy Life Children's Home with the intention of getting a child for foster. They were assessed by the agency and found qualified to adopt.

2. **Baby J** was found abandoned at [particulars withheld] Church on 4th February 2015. A Good Samaritan took her to Kasarani Police Station. The case was recorded vide OB No [particulars withheld]. The minor was committed to Happy Life Children's Home, on 1st April 2015; through the Children's Court at Nairobi vide Care and Protection No. 78 of 2015. On 4th August 2015 the final police letter confirmed that the police efforts to trace the relatives had not been successful and that no one had claimed the child since she was reported abandoned. The minor was placed with the applicants on 8th August 2015 for the mandatory bonding period.

3. The report from Buckner Kenya dated 3rd May 2016 states that the applicants are humble, God fearing and social people who seem prepared to give a family to children in need of a family. That they are financially stable and their moral standing is satisfactory. The agency recommends the adoption. The report from the guardian ad litem Peter Onyango too recommends the adoption. The reports have a lot of details on the observations made during the visits at the applicant's home and the applicant's ability to adopt the minor.

4. An officer from Nairobi County Children's Services visited the applicant's residence on 5/08/2016 and reported as follows; the applicants live in a permanent two-bedroom rented flat. They indicated that they pay a rent of 18,000 shillings per month. The home is well furnished and conducive for raising the minor. The surrounding environment is conducive. The minor shares a bed and a room with her sister baby G. Baby J was at home together with her parents and her sister Baby G during the visit. Baby J appeared happy, health and as undergone all the immunization. She has bonded well with the prospective parents. The applicants have been living with the minor since 8 August 2015. They have adequately provided for her. The applicants are responsible, mature, emotionally and financially capable to provide for the child in this matter.

5. The applicants have fulfilled all the legal requirements relating to the adoption of the child as prescribed in the Childrens Act 2001. The child was an abandoned child who needs care, protection and a loving family as she grows up. All the reports are favourable. I note that details have been given to show

that the applicants are financially and emotionally capable to provide for the up keep and education of the child. They love the child and have taken care of her.

6. After a careful assessment of the reports filed herein and from the observation of the interaction of the Applicants, this court has formed the opinion that it would be in the best interest of the child to be adopted by the Applicants. This is a local adoption. The application is therefore allowed. The Applicants **PNM** and **CKK** are hereby allowed to adopt baby **J**. She shall henceforth be known as **HLMN** 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 to all the rights that accrue to Kenyan Citizens under the Kenya Constitution 2010 and the Kenya citizenship and Immigration Act. **GK** and **JG** shall be the legal guardians of the minor. I hereby discharge the Guardian ad litem. It is so ordered.

Dated signed and delivered this **10th** Day of **February 2017**

R. E OUGO

JUDGE

In the Presence of:

.....**Applicants.**

.....**Court Clerk.**