

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

IN THE MATTER OF THE CHILDREN ACT 2001

AND

IN THE MATTER OF BABY J A.K.A. T Z R

ADOPTION CAUSE NO. 186 OF 2015

JUDGMENT

1. **S K R** and **E A R** hereinafter referred to as the applicants seek to be authorised to adopt baby **J a.k.a T Z R** hereinafter referred to as the child, and that if the order is granted the child be known as **T Z R** . That **B H O** and **T J A** be appointed as the Legal guardians of the child. They also seek that the Register General be ordered to make the appropriate entries in the Adopted Children's Register in respect of the child.

2. The applicant are married and have no child of their own. They both work and live in Nairobi and have stable income. The 1st applicant is a businessman and the 2nd applicant is a Sales Manager with [Particulars withheld] They are healthy and have no criminal records. They desire to nature a child into fullness and growth. They have had parenting skills having stayed with their nephews and nieces.

3. The child in this matter is presumed to have born on the 2nd of June 2013. He was found abandoned on the 4th of July 2013 on the road side in [particulars withheld] area. He was rescued by a Good Samaritan and taken to [particulars withheld] Police Station on the 4/7/2013, the matter was recorded vide Ob [particulars withheld] The officer in charge sought placement of the child in Thomas Barnardo House for care and protection. The child was in bad health condition and was first admitted at Mbagathi Hospital, he was treated and discharged. He was thereafter admitted at Thomas Barnardo House on the 17th July 2013 and was later committed to the said home for care and protection vide case no. [particulars withheld] on the 21/8/2013. The child was declared free for adoption on the 12th March 2014 by the Kenya Children's Homes Adoption Society's case committee. The child was placed with the applicants on the 15th April 2014.

4. The applicants were assessed by Kenya children's home Adoption Society. They have been found to have satisfied all requirements and the agency recommends the adoption. The director of Children Services filed their report on the 6/5/2016. After assessing the applicants they observed that the applicants are in love with each other, their family is loving and hospitable, they provide company for the child by inviting the cousins to spend time with him and that they have appropriate housing to accommodate the child. They recommend the adoption stating it is a local adoption. That the applicants have fulfilled the legal requirements for local adoption under the Children Act 2001. They have proved capable of taking on parental responsibility over the child during the placement period prior to adoption during which time the child has been under their continuous care and control. The report from the guardian ad litem too is favourable. Imelda observed that the child has integrated very well with the family, the child has exhibited sense of attachment and mutual bonding. He has received the gift of love from the prospective adoptive parents and that there is sincere and generous acceptance of the child by the parents.

5. This is a local adoption. The child in this matter was found abandoned. The consent of the biological parents is hereby dispended with since the child was abandoned. The applicant as per the reports love the child and have care for him from the time he was placed with them. The reports recommend the adoption. The applicants have met all the legal requirements and have been found fit to take on the parental responsibility. I find that it is the best interests of the child to allow the adoption. **Section 119 (1) (a)** of

the Children Act 2001 provides “**that a child is in need of care and protection, one who has no parent or guardian or has been abandoned by his parent or guardian**”. This court therefore authorises **S K R.** and **E A R** to adopt baby **J a.k.a T Z R.** The child shall be known as **T Z R. B H O** and **T J A A** are appointed as the legal guardians of the child in the event of death of the applicants or incapacity of the applicants. The Registrar General shall make the appropriate entries in the Adopted Children’s Register in respect of **T Z R.** The guardian ad litem is hereby discharged .It is so ordered.

Dated, signed and delivered this 9th day of February 2017.

R. E. OUGO

JUDGE

In the presence of:

.....For the Applicant

M/s Charity Court/ Clerk