



REPUBLIC OF KENYA

IN THE HIGH COURT AT NAIROBI

ADOPTION CAUSE NO. 260 OF 2015

IN THE MATTER OF THE CHILDRENS ACT, 2001

AND

IN THE MATTER OF BABY Z (MINOR)

S G M.....1ST APPLICANT

L W G.....2ND APPLICANT

JUDGMENT

The Applicants herein applied for an adoption order to adopt Baby Z via Originating Summons dated 23rd October 2015 in which they also sought for orders that the said child be known as D J G if their application will be allowed.

The Applicants are Citizens of Kenya. They are a couple who have lived together as man and wife since 2009 after undergoing a marriage ceremony under the Agikuyu Customs. The marriage was then solemnized on 4th March 2013 under the Christian customs as evidenced by their marriage certificate of serial no. [particulars withheld].

The Applicants have been blessed with one child born in 2010 and they wish to have another child through adoption because they wish to give a less fortunate child a chance to experience full parental love and care. The Applicants are authorized full time ministers of the Nairobi Jesus Healing and Deliverance Church registered under the Society Act of Kenya.

The Minor in this matter is called Baby Z.

He is a male child presumed to have been born on 12th July 2013 and is 3 years. He was abandoned in Zimmerman near a River Bank on 16th July 2013 when he was approximately 5 days old. A well-wisher rescued him and reported the matter at the Kasarani Police Station vide OB No. [particulars withheld]. The Child was admitted to Happy Life Children's Home as a Child in need of care and protection. He was then committed to the said Home on 17th July 2013 for care and protection by the Children's Court at Nairobi via care and protection case no. 281 of 2013.

Kasarani Police Station via a letter dated 20th May 2014 confirmed that their efforts to trace the relatives of the Child have been futile and that no one had claimed the Child since he was reported to be have been abandoned.

The Minor was declared free for adoption by the Buckner Kenya Adoption Services committee meeting held on 10th April 2015. A freeing certificate of serial no. 0070 was issued pursuant to section 156(1) of the Children's Act, 2001. The Minor stayed in the Children's Home until 7th July 2015 when he was placed under the care and control of the Applicants. He has since continued to enjoy the good care accorded to him by the Applicants.

V W G the proposed guardian ad-litem gave her consent dated 23rd October 2015 to act as guardian *ad-litem*. In her Home Study Report filed in Court on 29th November 2016, she stated that the Child looks well fed and contented and that he seemed to have accepted the prospective adoptive family well. She further noted that the Applicants biological daughter has also bonded with the Child and the two have developed a sense of connection. She asserted that the Applicants assured her that they will ensure that the Child is well disciplined and vowed to give him full rights of inheritance of their properties. She recommended that the Applicants be granted the adoption orders as prayed for.

The Buckner Kenya Adoption Society also filed a Report on 7th January 2016.

In the Report, they stated that the Applicants have undergone medical checkup and were found to be in good health and that they are mentally and emotionally stable. Further, the Applicants have no criminal records as evidenced by their certificates of good conduct of serial numbers [particulars withheld] and [particulars withheld]. The Report further stated that the Applicants have met the necessary requirements to adopt the minor as required by the Children's Act, 2001 and the Children's Adoption Regulation, 2005 and that they had duly signed the certificate of acknowledgment. The Applicants were said to be hardworking, God-fearing, social and financial capable of accommodating a new member into the family without strain. Moreover, the Applicant's biological daughter is aware that she is going to have a brother.

The Society recommended that it will be in the best interest of the Child for him to be adopted. The Report averred that the Buckner Kenya Adoption Services Case Committee assessed the Applicant's application in its sitting held on 29th May 2015 and were satisfied that the Applicants are fit to adopt the Child.

The Director of Children Services also filed a Report dated 23rd September 2016 with regards to this matter pursuant to a Court order dated 11th February 2016.

In the Report, it was deponed that a home visit to the Applicant's home was conducted and it was satisfied that the environment was very conducive for raising a child. Additionally, it was stated that the Applicants have been living with the minor since 10th April 2015 and they since adequately provided for him. It was also stated that there appears to have a perfect bonding between the Child and the prospective adoptive parents. It was averred that the Applicants have fulfilled the legal requirements for local adoption under the Children's Act, 2001 and that they have proved capable of taking on parental responsibility during the statutory placement period prior to adoption.

DETERMINATION

In light of the Reports filed and highlighted above, it is clear to the Court that the Applicants have been accordingly assessed and found capable to adopt a child. They have a good moral standing and have no criminal records. They also have a biological daughter whom they have raised and are thus aware of the responsibilities that come with parenting. They are also capable of financially providing for the child. The consent of the biological parents is dispensed as they are unknown and the same cannot be obtained.

This Court hereby orders that, the Applicants S G M and L W G are hereby allowed to adopt Baby Z and he shall be known as D J G. The child presumed to be a Kenyan Citizen by birth. His date of birth is 12th July, 2013 and place of birth Nairobi County, Kenya. P W and B M are appointed as the legal guardians of child should any misfortune befall the applicants before the child attains the age of majority. That the Register General enters this order in the adoption register. The guardian *ad-litem* is hereby discharged.

DELIVERED DATED & SIGNED IN OPEN COURT ON 13TH MARCH, 2017.

M. W. MUIGAI

JUDGE

IN THE PRESENCE OF;

.....

.....