

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO.25 OF 2016

IN THE MATTER OF THE CHILDREN ACT NUMBER 8 OF 2001

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY C U alias M M

G N R.....1ST APPLICANT

AND

E N.....2ND APPLICANT

JUDGMENT

1. The applicants **G N R** and **E N** are seeking to be authorized to adopt **Baby C U** alias **M M** hereinafter referred to as the child. They also seek that upon making the adoption the child be called **E N R N**. They also seek that **G O O** and **E W O** be appointed the legal guardians of the child in the event of death or incapacity of the applicants before he is of full age.

2. The applicants are Kenyans both born in 1971. The applicants got married traditionally but later solemnized their marriage on 15th April 2000. The 1st applicant is a mobile financial service expert in Nairobi while the 2nd applicant is a banker in Nairobi. They are both physically and emotionally fit to parent a child. They have not been charged or convicted with any criminal offence referred to in the Third Schedule of the Children's Act. They are financially capable of catering to a child's medical care, education and general upkeep. Their home is comfortable and capable of nurturing a child.

3. The child was found abandoned at Nanyuki Teaching and Referral Hospital compound on 21st July 2014 and she was admitted for general care. His mother is said to have been a psychiatric patient, mentally challenged. He was referred to New Life Home Trust and a place was availed for him. The child was committed to New life Trust for 3 years by the Chief Magistrate's Court in Nanyuki in P&C No. 30 of 2014 and the child was released to the home on 28th August 2014. The child was surrendered for adoption by his grandfather **M m** and an aunt. The child was declared free for adoption by the Little Angels Network Adoption society on 13th March 2015 and issued with a certificate declaring a child free for adoption no. [particulars withheld]. The child was placed with the applicant on 15th March 2015 and have been under their care since then.

4. The Department of Children Services filed their report on 14th November 2016. The officer observed that the applicants are responsible mature, emotionally and financially capable of providing for the child. The child has bonded well with applicants and his elder siblings. The report recommends the local adoption as the applicants have fulfilled the legal requirements as provided under the Children's Act. The applicants are capable of taking on parental responsibility as they are socially fit and are financially capable to provide for the needs of the child. So far, the child is doing well under the care of the applicants and the report recommends that the adoption is in the child's best interest.

5. The guardian ad litem report was filed on 29th September 2016. The guardian ad litem observed that the child is comfortable and happy with the adoptive parents. The child has bonded well with the child. The child is healthy, well fed and is of good health. The adoptive parents are of good character and can take care of the needs of the child. She observed that the adoptive are perfectly capable of raising the child and recommends the adoption.

6. It is evident that the applicants have fulfilled all the legal requirements relating to the adoption of the child. The child was abandoned. 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 applicant has had the custody of the child, the child bonded well with her.

7. 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 **G N R and E N** are hereby allowed to adopt **Baby C U** alias **M M**. He shall henceforth be called **E N R N. G O O** and **E W O** shall be the child's legal Guardian 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 **12TH** Day of **May** 2017.

R. E. OUGO

JUDGE

In the presence of:

M/s Mweni Nyokabi

For the Applicants

.....**Court Clerk**