



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**ADOPTION CAUSE NO.67 OF 2015**

**AND**

**IN THE MATTER OF CHILDREN'S ACT, No. 8 of 2001**

**AND**

**IN THE MATTER OF BABY T (THE CHILD)**

**IN THE MATTER OF AN APPLICATION FOR AN ADOPTION ORDERED BY J G**

**JUDGMENT**

1. The applicant reported that she was married to B O M. The applicant met her husband in 1999 in Riakworo where she was working. They got married in 2000 through African customary Laws. Shortly after they got married, the husband fell ill and on 29<sup>th</sup> October 2006, he succumbed to cancer of the colon. She is currently not in any relationship and does not have any plans of ever getting married. She does not have any children out of that marriage. She indicated that however tough it was, she had a good marriage experience. J indicated that she wanted have her own family. She added that together with her late husband they had tried to have a biological child but they were not successful and that she also wants to enjoy the joy of parenthood.

2. The report from Buckner Kenya Adoption Services dated the 1<sup>st</sup> of August 2012 it states that the minor was found in a latrine on 1/08/2012. She was referred to Tenwek Hospital in Bomet County where she was name T C. She was approximately one day old. The matter of abandonment was reported to Bomet Police Station vide OB No.[particulars withheld]. She remained at the hospital for 6 weeks. The minor was committed to Africa Gospel Church Baby Centre, on 12<sup>th</sup> September 2012s by Senior Magistrate Court vide care and protection number 546 of 2012. On 13<sup>th</sup> September 2012, she was admitted at the Africa Gospel Church Baby Centre. She was then 6 weeks old and her admission number at the home was 35 of 2012. On 9<sup>th</sup> May 2013 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 place with the applicant on 26<sup>th</sup> August 2014 for mandatory bonding period and declared free for adoption on 25<sup>th</sup> July 2014 by Buckner Kenya Adoption Society Serial number [particulars withheld]. There is also a report from Kenya children's Home dated the 8<sup>th</sup> of April 2015 which also recommends the adoption. It gives details of the applicant's background on family , education , marriage history, why she wants to adopt, parenting skills , financial ability, health, religion and extended family .

3. The Department of Children's Services filed their report on 28<sup>th</sup> July 2016. The officer upon visiting the applicant's residence observed that the applicant has been living with the minor since 26/8/2014 and she has adequately provided for her. The applicant is responsible, mature, emotionally and financially capable to provide for the child. That there appears to be perfect bonding between the child and the prospective applicant. The report recommends the adoption. The report from the guardian ad litem too is favourable.

4. The applicant has fulfilled all the legal requirements relating to the adoption of the child as per the reports filled and my examination of her in court. This court is satisfied that the applicant is qualified and able to take care of the child. It is evident that the applicant is financially stable and capable to provide for the upkeep and education of the child. During the period that the applicant has had custody of the child,

the child bonded well with her. The child baby T was an abandoned child and a parent who loves and will provide for her , a family that will enable her to grow up as one who is loved and cared for.

5. This court finds that it would be in the best interest of the child to be adopted by the applicant. I allow the application for adoption. The applicant **J G** is hereby allowed to adopt baby **T**. The child shall be called **E K O. E N G** shall be the legal Guardian of the child should misfortune befall the applicant. 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 **11<sup>th</sup>** Day of **November** 2016.

**R. E. OUGO**

**JUDGE**

In the presence of:

.....**For the Applicant**

**Ms. Charity**

**Court Clerk**