

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

Adoption Cause No. 290 Of 2014 (0.S)

IN THE MATTER OF THE CHILDREN ACT

AND

IN THE MATTER OF BABY B ALIAS C T

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION

BY L W W G AND L M G.

JUDGEMENT

1. The applicants **L W W G AND L M G** seek to be authorised to adopt **BABY B alias C T and that the said baby be known as M B G G**. The 1st applicant is a Kenyan while the 2nd applicant is an Italian. The applicants got married on the 6/12/96 and were issued with a marriage certificate. The applicants have one biological child though they wanted more children they haven't been able to and resolved to adopt after seeing that age was catching up on them.
2. The child is presumed to have been born on 6th December 2013 and was found dumped at the compound of Shamata Health Centre on the night of 6th and 7th December 2014. The matter was reported at the police patrol base vide OB 4/7/12/2013. The child was referred and admitted at Nyahururu District Hospital. She was discharged and admitted to New Life Trust Nyeri on 10/12/2013. On 30/7/2014 she was presented before Principal Magistrate Court in Nyahururu and was committed to New Life Home Trust – Kilimani for three years on 11/December 2013. A second letter from Shamata police patrol base dated 18/07/2014 indicates that investigations to trace the child's relatives had proved fruitless.
3. The child was declared free for adoption by Little Angels Network Adoption society on 15th August 2014 and a certificate Serial No. **[particulars withheld]** issued and was placed into the custody of the applicants for maintenance and care on 16th August 2014. A declaration report from the adoption agency was filed on the 9th December 2014.
4. The Applicants who are a Kenyan Lady and Italian man married have fulfilled all legal requirements relating to the adoption of the child as prescribed in the Children's Act 2001. The Director of Children's Services also filed a report as did the guardian ad litem, **Dr. N W M** dated 20th January 2015. Both reports were favorable and recommended the adoption of the child by the applicants.

The Adoption Society, guardian ad litem and the Director of Children's Services have all established that the applicants are financially and emotionally capable to provide for the up keep and education of the child. The child has bonded well with the applicants and their 11 year old biological son as reported by the Director of Children Services. I note that the applicants have made Nairobi their home and have even bought a house and that they intend to remain in Kenya.

5. After a careful assessment of the reports filed herein, this court has formed the opinion that it would be in the best interest of the child to be adopted by the Applicants. The application is

therefore allowed. The Applicants **L W W G** and **L M G** are hereby authorised to adopt baby **B alias C T** and shall henceforth be known as **M B G G. A N B** (lady applicant's close friend) shall be the Legal Guardian of the child should misfortune befall the applicants. 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. The guardian ad litem is hereby discharged. It is so ordered.

Dated signed and delivered this 5th Day of June 2015.

R. E. OUGO

JUDGE

In the presence of:

.....**Applicants**

.....**Court clerk**