



In re N aka Abandoned Baby Boy aka M aka MH (Baby) (Adoption Cause 3 of 2020) [2022] KEHC 10617 (KLR) (25 May 2022) (Judgment)

Neutral citation: [2022] KEHC 10617 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAJIADO
ADOPTION CAUSE 3 OF 2020
SN MUTUKU, J
MAY 25, 2022
IN THE MATTER OF THE CHILDREN ACT, 2001
IN THE MATTER OF BABE N AKA ABANDONED BABY BOY AKA
M AKA BABY MH**

IN THE MATTER OF

**IMN 1ST APPLICANT
MMW 2ND APPLICANT**

JUDGMENT

1. Baby N was found abandoned at Buruburu Shopping Centre on 1st April 2016. He was rescued and taken to the Buruburu Police Station where the report was booked on OB No. 88/01/XX/XXXX after which he was taken to Mama Lucy Kibaki Hospital. He was admitted for observation and examination. Through Protection and Care Case No. 88 of 2016, he was committed to the care of Happylife Children Home by the Children’s Court in Nairobi. He stayed in the home until 17th June 2018 when he was placed under the care and protection of Mr. and Mrs I. M. N, the applicants herein. He was declared free for adoption on 13th June 2018 by the Kenyans to Kenyans Peace Initiative Adoption Society (KKPI) through Certificate Serial No. 7XX.

Adoption Order

2. I.M.N and M.M.W, the applicants herein, have moved this court through Originating Summons dated 17th August 2020 seeking an adoption order in respect of Baby N. They are seeking the following orders:

I. That the applicants be authorized to adopt Baby N aka Abandoned Baby Boy aka MH a minor who is to be known as M.L.M.



II. That the Registrar General be directed to enter this adoption into the Register of Adoptions.

III. That JWW and DMM be appointed as the Legal Guardians of the minor.

IV. That the child be presumed to have been born in Kenya.

3. The Summons is supported by a Statement by the Applicants and an Affidavit. From the Statement, the Applicants are holders of National Identity Card Numbers 23XXXXXXX and 23XXXXXXX respectively and are married under Kikuyu Customary Law. The Applicants do not have a biological child of their own. It is their statement that they approached KKPI Adoption Society and applied to adopt a child; that they have been assessed and found satisfactory to adopt a child and the necessary approvals have been given. The child was placed under their custody by Happy Life Children's Home on 17th June 2018 for three months fostering with possibility of adopting.
4. It is their statement that the child has bonded very well with them and their nuclear family who have given their approval. They stated that they fully understand the responsibility of adoption and they are agreeable; that both work, the first applicant as a driver and the second applicant as a teacher with stable income and both are able to meet the needs of the child.
5. They have stated that they live at Ngong in a semi-permanent house with suitable environment for the child's full development; that they are Christians and that they do not have criminal record. They have stated that the 2nd Applicants older sister J.W.W. and her husband D.M.M, both business people, have voluntarily accepted to be the child's Legal Guardians in the event that the Applicants are incapacitated and are unable to take care of the child. Their intent to give the child the name of M.L.M.
6. I have noted that both proposed Legal Guardians have sworn an affidavit giving their consent to be appointed as Legal Guardians of the child.
7. On 28th October 2020, this court (Mwita, J) appointed MWK as *Guardian Ad Litem* and called for reports from the *Guardian Ad Litem* and the Director of Children Services. These reports have been filed.
8. I have read the reports from the *Guardian Ad Litem* dated 21st December 2020; the report by KKPI Adoption Society filed in court on 26th April 2022 and the report by the Director of Children Services dated 8th February 2021. All these reports are positive and recommend that the applicants be allowed to adopt the child.
9. I have considered this matter. I find all the relevant documents have been attached. I find that the law under the Children's Act and the procedure for adoption has been satisfied and I have no reason to decline this application which in my considered view is in the best interest of this child. I therefore allow the Originating Summons dated 17th August 2020 in the following terms:
 - (i) That I.M.N and M.M.W, the Applicants herein, are hereby authorized to adopt Baby N aka Abandoned Baby Boy aka MH.
 - (ii) That the child shall be known as M.L.M.
 - (iii) That the Registrar General is hereby directed to enter this adoption into the Register of Adoptions.
 - (iv) That J.W.W and D.M.M. are hereby appointed the Legal Guardians of the M.L.M.
 - (v) That M.L.M is presumed to have been born in Kenya and therefore a Kenyan Citizen.



10. Orders shall issue accordingly.

DATED, SIGNED AND DELIVERED THIS 25TH MAY 2022.

S. N. MUTUKU

JUDGE

