



**REPUBLIC OF KENYA**

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

**MILIMANI LAW COURTS**

**FAMILY DIVISION**

**ADOPTION CAUSE NO. 64 OF 2018 (OS)**

**IN THE MATTER OF THE CHILDREN ACT, 2001**

**AND**

**IN THE MATTER OF BABY B aka BABY MIM.**

**IN THE MATTER OF AN APPLICATION FOR ADOPTION**

**BY**

**CWM.....APPLICANT**

**JUDGMENT**

1. On 28<sup>th</sup> October 2014 the Eldoret Children Court vide **Protection and Care Case No. [...]** committed Baby B to Lewa Children's Home for a period of three (3) years. On 18<sup>th</sup> December 2014 Baby B was further committed to St. Thomas Barnados Children's Home for three (3) years vide **Protection and Care Case No. [...]**.

2. This court on 14<sup>th</sup> November 2019 delivered its judgment in which it directed the applicant to give a satisfactory explanation on the existence of the two committal orders. The court observed as follows:-

**“There is no evidence that the order in Protection and Care Case No. [...] was revoked, and therefore the child was not available to be committed in the second order.”**

3. There has been no explanation, either by the Children Court or by the Children Officer, why the two committal orders became necessary. One committal order indicated the child was one year while the other indicated the child was 3 years. They were both issued in 2014.

4. I consequently will not allow this adoption. I direct the Director of Children Services to collect the child the applicant is having and deal with the matter in accordance with the law.

**DATED and SIGNED at NAIROBI this 25<sup>TH</sup> day of MARCH 2021.**

**A.O. MUCHELULE**

**JUDGE**