



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KIAMBU

ADOPTION CASE NO. 30 OF 2018

IN THE MATTER OF THE CHILDREN'S ACT, 2001

AND

IN THE MATTER OF ADOPTION OF BABY M.I (THE CHILD)

BY

B.G.N.1ST APPLICANT

M.M.M.2ND APPLICANT

JUDGMENT

1. **B.G.N.** and **M.M.M.** (the applicants) are husband and wife who got married on 7th July, 2002 under the Kikuyu Customary Law. They have no children of their own, in that union.
2. M.I. the child is a female child born on or about 3rd September, 2008. The child was found abandoned at Umoja area in Nairobi. The children's office placed the child at Imani children's home, in Kayole, where the child was admitted for care and protection.
3. The child was placed under the care of the applicants on 2nd July, 2010 when the applicants were found to be suitable for foster care parents. The applicants stated that the child's history was reviewed by Kenya for Kenyan Peace Initiative Adoption Society which declared the child free for adoption.
4. The applicants run their own businesses and they have stable income from those businesses. It is clear that they are in a position to provide for the child's needs.
5. The applicants have no criminal record and they have no adverse health issues.
6. I have considered the reports by the guardian ad litem and that of the Director of children's Services. Both reports are positive towards the applicants' application. The children's officer by the report before me confirmed having visited the applicants and the child at their residence. The officer noted that there was good bonding between the applicants and the child. The officer also noted that the applicants enjoy their extended family support in this adoption. The report concluded by stating that the proposed adoption is in the best interest of the child.

ANALYSIS

7. The child was declared free for adoption. The child has been in the custody of the applicants from 2010 to-date. The child was approximately two years old when she was taken into foster care by the applicants. She is now a few months shy of 13 years age. I have noted that the applicants have successfully enabled them provide for the child.
8. At the hearing, I was able to observe the child. I however respected the wishes of the applicants that they had not yet informed the child she was not their biological child.
9. The court finds that the legal requirements under the Children's Act have been complied with and much more the court is satisfied that the applicants know the responsibility required by them in adopting the child.

DISPOSITION

10. For the foregoing reasons, the applicants' Originating Summons dated 6th December, 2018 is allowed in the following terms:-

- (a) That **Baby M.I.** is presumed to be a Kenyan citizen by birth.
- (b) That the applicants are hereby authorised to adopt **Baby M.I.** to be known as **M.G.G.**
- (c) That **G.G.N. and P.W.M.** are hereby appointed as legal guardians of the child in the event of the death or incapacity of the applicants before the child is of full age and fully self-reliant.
- (d) That the Registrar General is hereby directed to enter in the adopted children register an entry recording this adoption.

Orders accordingly.

JUDGMENT DATED and DELIVERED at KIAMBU this 23rd day of JUNE, 2021.

MARY KASANGO

JUDGE

Coram:

Court Assistant ... Ndege

Applicant : N/A

COURT

Judgment delivered virtually.

MARY KASANGO

JUDGE