



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT KIAMBU**  
**ADOPTION CASE NO. 12A OF 2019**  
**IN THE MATTER OF THE CHILDREN'S ACT, 2001**  
**AND**  
**IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY BT.**

**JUDGMENT**

1. **FM** and **FW** (the applicants) seek by their Originating Summons dated 26<sup>th</sup> August, 2019 orders, inter alia to adopt the child, **Baby BT**.
2. The applicants are both Kenyan Citizens. They are business people. They have no previous Criminal Record and are enjoying good health. They are 37 years and 39 years of age respectively. They were married in 2017. They have no children of their own.
3. The child is male. The approximate age of the child is one month shy of 3 years of age. The child was abandoned on 29<sup>th</sup> August, 2018 at a public service vehicle that was travelling to Meru. The child was committed to Neema House Infant Rescue Centre by the Chuka Children's Court on 31st August, 2018. The child on 21<sup>st</sup> March, 2019 was declared free for adoption by **Kenya Children's Home Adoption Society (Adoption Society No. 02/2005)**.
4. The reports of guardian *ad litem* and of the Director, Children's Services is positive towards granting the applicants the prayer they seek. The children officer who attended the applicant's residence found a very happy and well-adjusted child. The child has bonded well with the applicants.

**ANALYSIS**

5. I find and hold that the applicants have met the parameters under the Children's Act for the order of adoption to be issued. Although consent of a parent and guardian is required under Section 158(4) of the Children's Act, the circumstances of how this child was abandoned by his mother and to date no one has been reported as looking for the child, I do hereby invoke **Section 159(1)** of the Children's Act and dispense with the consent.

**DISPOSITION**

6. In view of the above finding, I grant the following orders:-

1. That the child is hereby presumed to be a Kenyan citizen by birth.
2. That the applicants **FM and FW** be and are hereby authorised to adopt the child currently known as **Baby BM**.
3. That **Baby BM** shall hereafter be known as **FKM**.
4. That the child's date of birth is hereby declared to be 3<sup>rd</sup> August, 2018 and his place of birth is hereby declared to be Mwea, Meru County.
5. That **LWK** be and is hereby appointed the legal guardian of the child in the event of death of the applicant or their incapacity.

Orders accordingly.

**JUDGMENT DATED AND DELIVERED AT KIAMBU THIS 23RD DAY OF JUNE, 2021.**

**MARY KASANGO**

**JUDGE**

Coram:

Court Assistant ... Ndege

Applicant: Ms. Owiti

**COURT**

Judgment delivered virtually.

**MARY KASANGO**

**JUDGE**