



**REPUBLIC OF KENYA**

**IN THE HIGH COURT**

**AT KERUGOYA**

**ADOPTION CAUSE NO. 2 OF 2020 (O.S)**

**IN THE MATTER CHILDREN'S ACT**

**AND**

**IN THE MATTER OF BABY MM, aka MINOR MM aka BABY MM aka MM (CHILD)**

**AND**

**LNK.....APPLICANT**

**JUDGMENT**

1. By an Originating Summons taken out on the 13.11.2019, the Applicant LNK sought orders to be authorized to adopt one Baby MM, a MINOR, to be known as JNN.

2. Together with the application, the applicant filed a statement in support of the adoption and an affidavit of verification of the statement.

Also filed are numerous documents as required under the Children's Act, from various agencies

3. The Applicant is a single woman and a resident of Kerugoya within Kirinyaga County, 52 years old with sufficient financial resources.

She has no biological child of her own, hence the desire to adopt a child.

4. A perusal of the documents filed show that the prospective minor child Baby MM was offered for adoption by her biological mother upon being taken through the legal process for offering a biological child for adoption vide **Milimani Protection and Care Case No. 154 of 2015** on the 25.5.2015 whereof the mother had signed the initial consent to offer the baby for adoption on the 5.5.2018, and the final consent on the 25.5.2015.

The child was thereafter freed for adoption by the Kenya Children's Home Adoption Society Case Committee on the 17.7.2019 vide certificate No. xxxx issued pursuant to **Section 156 (1) of the Children's Act 2001**.

5. I have considered a report dated 10.12.2020 prepared by the Director, Kirinyaga Children's Services on the suitability of the prospective adoptive parent, the Applicant.

She is said to be financially, morally mentally and socially fit and suitable, and thus meets the necessary requirements under the Children's Act.

6. **Article 53 (2) of the Constitution and Section 4 (2) and (b) of the Children's Act** provide that in an adoption process, the best interest of the child is paramount in every aspect. Considering the circumstances under which the minor child was offered out for adoption, the Applicant will give the child a home and a family who will give her all the basic necessities including parental love, **Section 15A(1) Children's Act**.

7. To that extent, it is my finding and holding that the adoption is for the best interest of the minor child. Accordingly, the application is allowed and orders issued as hereunder: -

**1) That LNK be and is hereby authorized to adopt Baby MM, to be known as JNN.**

2) That CWK be and is hereby appointed as the legal guardian of the Baby MM.

3) That the Registrar General is directed to enter this adoption into the Register of Adoptions and subsequently a birth certificate be issued to the Baby.

DATED AND SIGNED AT KERUGOYA THIS.....DAY OF.....2021

J. N. MULWA

JUDGE

DATED AND DELIVERED AT KERUGOYA THIS 30<sup>TH</sup> DAY OF NOVEMBER 2021

R. M. MWONGO

JUDGE