



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

ADOPTION CAUSE NO. 88 OF 2019

IN THE MATTER OF THE CHILDREN ACT NO. 8 OF 2001

AND

IN THE MATTER OF BABY FSA alias F alias AB

DM.....1ST APPLICANT

VS

JOO 2ND APPLICANT

JUDGMENT

1. The two Applicants herein DM and JOO. (hereafter referred to as the 1st and 2nd Applicants respectively) have filed the Originating Summons dated 28.5.2019 seeking authority to adopt Baby FSA alias F alias AB and to name her FAO (hereafter referred to as the child).
2. The Applicants are adult Kenyan Citizens born on 28.7.1989 and 7.5.1977 respectively.
3. The Applicants are a married couple who got married on 23.8.2014 at Consolata Shrine Catholic Church in Nairobi. Under the African Christian Marriage & Divorce Act (Cap 151) which is now repealed and they have attached their marriage certificate.
4. The investigations conducted established that the Applicants are in possession of adequate material and financial resources to make a lifelong commitment to the child's care and Protection.
5. The child was found abandoned at a maize farm near Kahembe Health Centre at Mutunga Location in Leshau on 29th June 2018.
6. The matter was reported by the Assistant Chief Jane Wanjiru at Mairo-inya Police Station vide OB No. 11/29/6/2018.
7. The child was placed at Neema House of Infant Rescue Centre Nanyuki for Care and Protection at the Nyahururu Children Court on 17th July 2018.
8. The Assistant Chief Jane Wanjiru was contacted on 22nd January, 2019 to give the current states of the matter and she confirmed that nobody came to claim the child and the efforts to trace any relative of the minor proved to be futile.
9. The child was declared free for adoption by Kenya Children's Home Adoption Society on 23.1.2019 under **Section 159(1) (a) (i)** of the Children Act which states that:

“Abandonment may be presumed if the child appears to have been abandoned at birth or if the person or institution having care and protection of the child has neither seen nor heard from a parent or guardian of the child for a period of at least six months.”

10. The following reports were filed for Court's consideration:

- i. **The Director Children's Services report dated 16.7.2018**

ii. The Guardian Ad Litem's Report.

iii. The Kenya Children's Home Report dated 9.7.2019

11. I have considered the Originating Summons filed herein together with the annexures and the Reports and I find that the Applicants herein meet the threshold for adoption of the child.

12. I allow the Originating summons dated 14.6.2019 in the following terms:

i. THAT the 1st and 2nd Applicants D.M and JOO be and are hereby authorized to adopt the child.

ii. THAT upon adoption the Child shall be known as FAAO.

iii. THAT the Registrar General be and is hereby directed to enter the Adoption in the Adopted Children Register.

iv THAT AAO and FDOO be and are hereby appointed Legal Guardians of the Child in case of incapacity of the Applicants before the child attains the age of the Majority.

v. THAT the Guardian Ad Litem be and are hereby discharged.

DELIVERED, DATED AND SIGNED IN OPEN COURT THIS 31ST DAY OF JANUARY 2020.

ASENATH ONGERI

JUDGE OF THE HIGH COURT OF KENYA, NAIROBI.