



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

FAMILY AND PROBATE DIVISION

ADOPTION CAUSE NO. 111 OF 2018

IN THE MATTER OF THE CHILDREN ACT

(ACT NO. 8 OF 2001)

AND

IN THE MATTER OF BABY J (MINOR)

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION

BY

FMM AND IMK (APPLICANTS)

JUDGMENT

Background:

1. Before court are two applications. One, an Originating Summons brought pursuant to **Sections 154 & 158 and 160** of the Children's Act, where the Applicants seek to adopt the minor referred to as **BABY J** and upon such adoption the child be known as **VMM**; and for the Registrar General to make appropriate entries in the Adoption Register. The second application is dated 12th March, 2019 where the applicants seek for the appointment of **SKM** as the legal guardian of the minor.
2. On the 25th of October 2018 the court appointed **TNN** as guardian ad litem, and directed both the Director of the Children's Services Department in Nairobi and the said guardian *ad litem* to investigate the Applicants' fitness to adopt and file their respective reports

Reports:

3. Director of Children's Service Report

A report was in filed in court and dated 17th January, 2019, wherein the court is given the background of the two applicants both aged 50 years. The male applicant is an artisan with [particulars withheld] Company, whereas the female applicant is in Business. The two are husband and wife since 1985 and out of their union sired a son and a daughter. Their son died in an accident in 2014.

The child was born of one JW at [particulars withheld] Nursing & Maternity home on the 1st of July, 2015 but was abandoned immediately at birth by the mother, who since disappeared. The matter was reported at the Muthangari Police station by a representative of the home after 3 days. The police wrote two reports wherein they intimated that no one came forth to claim the child and efforts to trace the mother were unsuccessful. As a consequence, the child was placed under the care of Thomas Banados Home and was later committed to the home vide the children's Court in Case Number 229 of 2015. On the 1st of July 2015, the Kenya Children's Home Adoption Society declared the child free for adoption. The child was placed with the Applicants on the 9th of May 2017.

The report recommended the adoption.

Guardian Ad litem's Report:

4. The Guardian ad litem filed a report on 20th March, 2019. The guardian observed that the child is happy and well taken care of by the adoptive parents. She has bonded very well with the parents and the other children. She was of the view that it is for the best interest of the child to be adopted as proposed.

5. Based on the above background, the court has formed the opinion that the Applicants have met all the legal requirements necessary to allow this adoption and that it will be in the best interest of the child to have the Applicants as her parents.

6. Consequently, the court orders as follows:

i) **FMM & IMK** be and are hereby authorised to adopt **J** who will be hence forth known as **VMM**

ii) **SKM** be and is hereby appointed as the Legal Guardian of **VMM**

iii) The Registrar General do register the adoption and issue a certificate.

iv) The guardian ad litem **TNN** be and is hereby discharge from the obligation earlier bestowed upon her by the court.

SIGNED DATED and DELIVERED this 30TH day of JULY, 2020.

.....

ALI-ARONI

JUDGE