

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KITUI

ADOPTION CAUSE NO. 4 OF 2018

IN THE MATTER OF BABY PM

ON APPLICATION FOR AN ADOPTION ORDER

AND

JNK

PMN).....APPLICANTS

J U D G M E N T

1. The Applicants herein, adults above the age of **21 years** but below the age of **65 years** are Kenyan Nationals, a Civil Servant and Business Woman, respectively, who solemnized their marriage under the **Marriage Act** seek to adopt **Baby PM** to be known as **CMN**, and **DMK** to be appointed as his Legal Guardian.

2. The subject child who is presumed to have been born on the **18th January, 2015** in **Nanyuki**. The child was rescued from her mother who was suspected to be mentally challenged and admitted to **Neema House IRC** on the **31st July, 2015** for care and protection. The case was booked in Occurrence Book **No. 53/31/17/2015, Nanyuki Police Station** and thereafter committed by the **Children Court, Nanyuki**.

3. The child was declared free for adoption and a **Certificate No. [...]** issued by the **Little Angels Network**. Subsequently, the child was placed under the care of the prospective Adoptive Parents on the **3rd day of July, 2017** for fostering. A report filed by **Francis Katiku** of Children Services following social inquiry carried out shows that the Applicants have bonded well with the child. That they are emotionally and financially stable therefore are capable of providing the child with all basic requirements. It was his recommendation that it will be in the best interest of the child for him to be adopted by the Applicants.

4. It has been demonstrated that after the child was abandoned an advertisement was placed in the daily newspaper of **2nd March, 2016** for the child. But, nobody came forward to claim him. In the premises, the consent of the child's biological parents is dispensed with. The child and the prospective adoptive parents' assessment by the Adoption Society is positive. Therefore I am satisfied that it is in the best interest of the child to be adopted.

5. In the premises I make orders thus:

i. The Applicants, **JNK** and **PMN** be and are hereby authorized to adopt **Baby PM** who shall henceforth be known as **CMN**.

ii. **DMK** is hereby appointed as the Legal Guardian of the child.

iii. The child's date of birth shall be the **18th July, 2015** and be presumed to be a Kenyan Citizen.

iv. The Registrar General is directed to make an entry into the Adopted Children's Register.

v. The Guardian ad litem is hereby discharged.

6. It is so ordered.

Dated, Signed and Delivered at Kitui this 29th day of January, 2019.

L. N. MUTENDE

JUDGE