



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

ADOPTION CAUSE NO. 133 OF 2018 (O.S)

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

IN THE MATTER OF ADOPTION OF BABY LD ALIAS LMM

BY

EMM AND MKM (APPLICANTS)

JUDGMENT

1. The Applicants EMM and MKM are in a monogamous marriage which was solemnized on 30th November, 2013 under the African Christian Marriage and Divorce Act Cap 151 (repealed) in the Presbyterian Church of East Africa in [particulars withheld], Nairobi. They have no biological children of their own. They wish to adopt the child known as Baby D Alias LMM a minor of male sex through the Originating Summons dated 26th September, 2018. From the pleadings the court gathers that the male Applicant works as a Senior Technician in the Maintenance/Engineering Department in [particulars withheld] while the female Applicant is a Homemaker. They reside at [particulars withheld] Residential Premises at Nairobi and profess the Christian faith.

2. Records indicate that the minor in this matter was found abandoned at Gikonyo house in Limuru town on 16th April, 2017. He was rescued by a Good Samaritan who reported the matter at Tigoni Police Station vide OB No. 25/16/4/2017.

3. On 18th April, 2017, the child was committed to the Limuru Children Centre by the Limuru Children's court vide P&C Case No. 17 of 2017. On 9th April, 2018 the Applicants took him into foster care with a view of adopting. A foster care agreement was signed on 9th April, 2018.

4. Prior to the hearing of the adoption application, the Kenya Children's Home Adoption Society prepared and filed a report dated 21st February, 2018. They had also issued a certificate No. ***** dated 21st February, 2018 declaring the child free for adoption. The guardian ad litem PMP filed a report on 11th February, 2019 which was favourable and recommended the adoption of the child by the Applicants. He observed that the child had transformed from a withdrawn little boy into a very playful child who laughs and had gained weight under the care of the applicants.

5. An officer from the office of The Director of Children Services made home visits and established that the Applicants are financially and emotionally capable of providing for the up keep and education of the child. She filed a report dated 11th February, 2019 recommending the adoption for reasons that the applicants had taken good care of the child providing parental love, basic requirements, security and care in the period under observation. Further that the child had achieved his developmental milestones as expected.

6. I note that this is a local adoption and from the record the Applicants have fulfilled all the legal requirements relating to the adoption of the child. A letter from the police dated 7th December, 2017 indicated that since the child was placed under the care of Limuru Children Centre no one had claimed him. Any assistance towards the child's best interest was recommended.

7. From the foregoing, the child appears to be happy and to be thriving under the care of the applicants. This court has formed the opinion that it is in the best interest of the child to be adopted by the Applicants. Reasons wherefore, I allow the prayers sought in the Originating Summons dated 26th September, 2018 and order as follows:

i. The Applicants, **EMM** and **MKM** are hereby allowed to adopt **Baby LD** who shall henceforth be known as **LMM**.

ii. His date of birth is presumed to be 16th August, 2016. He is presumed to have been born in Kenya in accordance with **Article 14 (4)** of the Constitution, and the place of birth shall be Limuru.

iii. DKR and EWM are hereby appointed as the legal guardians of the child in the event that the Applicants die, or are incapacitated by ill-health.

iv. The Registrar General is directed to enter this order in the Adoption Register.

v. The Director of Immigration is hereby authorised to issue the child with a Kenyan passport.

vi. The guardian ad litem is hereby discharged.

It is so ordered.

SIGNED DATED and **DELIVERED** in open court this **28th** day of **February, 2019**.

.....

L. A. ACHODE

JUDGE