



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

ADOPTION CAUSE NO. 57 OF 2018 (OS)

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

AND

IN THE MATTER OF ADOPTION OF BABY JT aka JTB

BY

UMM & KMM (APPLICANTS)

JUDGEMENT

1. The Applicants **UMM & KMM**, moved this court by way of an Originating Summons dated the 8th of May, 2018 and filed on the 11th of June 2018, seeking for orders that; -

a. That the said applicants be authorised to adopt **BABY JT aka JTB**

and upon such adoption the child's name be changed to **JMM**.

b. That **NMJ** be appointed as legal guardians.

c. That the child be presumed to be Kenyan.

2. By a ruling dated 28th June, 2018 the court appointed **KK** as guardian *ad litem* and required the said guardian *ad litem* and the Director of Children's Services Department to conduct a social enquiry on the Applicants' fitness and the prevailing circumstances as relates to this adoption and file their respective reports.

3. The necessary reports referred to in paragraph 2 above were filed in court on 27th November, 2018 and 16th January, 2019 respectively. Both reports highly recommended the Applicants as suitable and fit persons to be considered for the adoption.

The court was informed that both the applicants are self-employed and were at the time of writing the reports 35 and 36 years of age respectively. They are financially and physically able to take care of the child.

4. The court was further informed that the applicants have been married to each other for 12 years and due to medical reasons have not been blessed with a child.

5. The child, **JT aka JTB**, is said to have been found by a good Samaritan abandoned at Jamhuri Park on the 25th of May, 2015 and the matter reported to Kilimani Police station under O.B. NO. [xxxx]. Thereafter the child was placed at New Life Home Trust as a child under need and care and committed to the home vide a court order of 16th October 2015. The child's parents were not traced.

6. The child herein was placed with the applicants on 27th July 2017, by Little Angels Network Adoption Society. The child is said to have bonded well and is fond of the applicants.

7. The proposed legal **NMJ** has consented to being appointed as such and is ready to take up responsibility in the event the applicants are not available or are both incapacitated before the minor attains age of majority.

8. Against the above background I have formed the opinion that the Applicants herein **UMM & KMM**, are suitable and fit persons to adopt the child herein and that the said adoption is for the best interest of the child, who has found parents who have provided a home and the much-needed love, care and attention he deserves.

9. Upon this adoption being granted, the adoptive parents will take full responsibility and obligation of parents towards the child who now becomes their legal child with all rights of a child under the law including the right to inherit the applicants.

10. On the other hand, the legal guardian will take full responsibility over the child should the applicants both die or get incapacitated before the minor is of full age.

11. Consequently, I make the following orders.

- a. That the Applicants UMM & KMM be and are hereby authorised to adopt baby JT aka JTB**
- b. That the child's name will upon this adoption be changed to JMB**
- c. That NMJ be and is hereby appointed the legal guardian of the child now to be known JMM**
- d. That the Registrar General do enter this adoption in the adoption register.**
- e. The guardian *ad litem* be and is hereby discharged from the duties earlier conferred upon him by the court.**

SIGNED DATED and DELIVERED in court this 31st day of July, 2019.

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ALI-ARONI

JUDGE

In the presence of:

Counsel for the Applicants.....