



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**MILIMANI LAW COURTS**  
**FAMILY DIVISION**  
**ADOPTION CAUSE NO. 48 OF 2017 (OS)**  
**IN THE MATTER OF THE CHILDREN ACT, 2001**  
**AND**  
**IN THE MATTER OF CHILD MM**  
**IN THE MATTER OF AN APPLICATION FOR ADOPTION**  
**BY**  
**PGP.....1<sup>ST</sup> APPLICANT**  
**VWN.....2<sup>ND</sup> APPLICANT**  
**JUDGMENT**

1. The applicants PGP and VWN are a Kenyan couple, aged 60 and 54, respectively. They are both farmers. They solemnized their marriage on 18<sup>th</sup> October 1986 at PEFA Church, Murang'a. They have no child of their own. They filed the originating summons dated 20<sup>th</sup> April 2017 seeking to adopt Child MM.

2. Child MM was found abandoned on 23<sup>rd</sup> July 2001 in [particulars withheld] Bar and Restaurant in Nairobi. Police officers who were on patrol were informed and went for the child. They handed over the baby to the children officers at Nyayo House. It was referred to the Nairobi Children's Home on the same day. A late entry was later done at Kamukunji police Station vide OB No. 56/7/9/2016. The child was committed to the Centre on 25<sup>th</sup> October 2001 by the Children's Court at Nairobi in Protection and Care Number 267 of 2001. On 16<sup>th</sup> September 2016 the Child was declared free for adoption by Buckner Kenya Adoption Services. He was placed with the applicants on 16<sup>th</sup> April 2016 for bonding. Through letter dated 7<sup>th</sup> September 2016, the Police have indicated that no one has come forward to claim the child and efforts to trace his relatives had been fruitless.

3. On 25<sup>th</sup> May 2017 the court appointed JAA as the guardian *ad litem* and ordered her and the Director of Children Services to conduct social inquiry into the suitability of the applicants to adopt the child, and each to file a report within 45 days. The reports were filed, each recommending the applicants be allowed to adopt the child. The reports found that the applicants were socially, emotionally and financially stable and suitable to adopt the child. It was also found that the child and the applicants had bonded well.

4. The court finds that it is in the best interest of the child to be adopted by the applicants. The applicants have demonstrated their ability to provide a conducive home and family environment in which the child will grow and develop. They will assume all parental rights and obligations of the biological parents of the child once adopted, and shall treat him as if he was born to them. They have been made aware that once the adoption order is made, it shall be final and binding during the lifetime of the child. The child shall have the right to inherit their property. The applicants shall not be able to give up the child owing to any subsequent unforeseen behaviour or other changes in the child. The parents of the child have consented to this adoption.

5. Having been satisfied that all the legal requirements for a local adoption under the **Children Act** have been met, the following orders shall issue:-

a) the applicants PGP and VWN are hereby allowed to adopt Baby MM,

b) Baby MM shall henceforth be known as MTG;

c) the child's date of birth shall be 23<sup>rd</sup> July 2001, and shall be presumed to be Kenyan having been found abandoned at Loitoktok Bar and Restaurant in Nairobi, Kenya;

d) FWT is hereby appointed to be the child's legal guardian in the event of death or incapacity of the applicants before he is of full age and fully self-reliant;

e) the Registrar-General is directed to enter this adoption in the Adopted Children Register; and

f) the guardian *ad litem* is hereby discharged.

**DATED and DELIVERED at NAIROBI this 29<sup>TH</sup> day of JULY 2019.**

**A.O. MUCHELULE**

**JUDGE**