



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NYAHURURU**

**ADOPTION NO.4 OF 2018**

**IN THE MATTER OF BABY MA....MINOR**

**- BY -**

**JKM.....1<sup>ST</sup> APPLICANT**

**- A N D -**

**FWM.....2<sup>ND</sup> APPLICANT**

**J U D G M E N T**

The Originating Summons dated 5/6/2018 was filed by the firm of Komu and Kimenju Advocates on behalf of the two applicants, **JKM** and **FWM** who seeks the following Orders:

- 1. That the applicants be authorized to adopt Baby MA to be known as MMK;**
- 2. That SWM and LGS be appointed as legal guardians of the child on the event of the death or incapacity of the applicants before he is an adult or fully self-reliant;**
- 3. That the Registrar General be directed to enter in the adopted children register, an entry recording the adoption;**
- 4. That the child be presumed to be a Kenyan Citizen by birth;**
- 5. That the director immigration be authorized to issue the child with a Kenyan Passport.**

Filed simultaneously with the Originating Summons was the Chamber Summons dated the same date in which LGS sought to be appointed as guardian ad litem for the child; that the Children's Officer and the guardian ad litem do investigate the applicant's fitness to adopt the child and file their respective reports.

In support of the Originating Summons, the applicants filed a statement and affidavits adopting the contents of the statement.

The applicants filed a further affidavit dated 1/7/2019. In the joint statement, the applicants stated that they are Kenyans who have been married since 6/6/1998, as supported by their marriage certificate (xxxx); whereas FW was born in 1971, JKM was born in 1967; that JK is a Civil Servant while FW is a business lady.

It is further deponed that the child who was born about 12/3/2012 was found abandoned at Ol Kalou Hospital, was taken to Ol Kalou Police Station where a report of the abandonment and rescue was made. The Nyahururu Children's Office was notified which secured admission for the child at F.J. Baldo Home; that in a Protection and Care case No.150/2012, the Children's Officer applied for a committal order whereby the child was committed to the care of foster parents, that is, the applicants. On 8/4/2016, Change Trust Adoption Society declared the child free for adoption which enabled the applicants to commence this process of adoption.

The child has been in the applicant's care since 2012.

County Deputy Children's Services Officer Nyeri, filed a report on 16/11/2018 recommending the adoption of the child by the applicants.

On 24/7/2018, the court heard the Chamber Summons seeking appointment of the guardian ad litem and LG was duly appointed as a

guardian ad litem. The guardian ad litem filed her report dated 19/11/2018 in which she demonstrated having interacted with the applicants and recommended that the child is well cared for by the applicants and recommended them as good parents.

The applicants filed affidavit of means. They are financially stable and have a comfortable home. They do not have a biological child of their own.

I am satisfied that the applicants have met all the legal requirements for adoption of a child. I am satisfied that they are suitable to adopt the minor child Baby MAK.

I therefore make the following orders:

- 1. That the application be and is hereby allowed and the applicants are allowed to adopt the child, Baby MA;**
- 2. That Baby MA will be known as MMK.**
- 3. That the Registrar General do make in the Children's Register an entry recording the adoption of MMK who shall hence forth be known as MMK.;**
- 4. That the Registrar of Births and Deaths be and is hereby directed to issue the child with a certificate of birth in the names of MMK.**
- 5. That SWM and LGS are hereby appointed as legal guardians of the child MMK.**
- 6. That the guardian ad litem is hereby discharged.**

It is so ordered.

**Dated, Signed and Delivered** at NYAHURURU this 26<sup>th</sup> day of July, 2019.

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**R.P.V. Wendoh**

**JUDGE**

**PRESENT:**

Mr. Maina Kairu holding brief for Mr. Kamenju

Soi – Court Clerk

Applicants and Subject present