



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**ADOPTION CAUSE NO. 32 OF 2018**

**IN THE MATTER OF THE CHILDREN ACT NO. 8 OF 2001**

**AND**

**IN THE MATTER OF APPLICATION FOR THE ADOPTION OF**

**BABY DG**

**DMG and YR.....APPLICANTS**

**JUDGMENT**

1. The Applicants herein DMG. and YR. (Hereafter referred to as the Applicants) are seeking authority to adopt Baby DG and that the child be called KMM. (hereafter referred to as the child).
2. The Applicants are Kenyan Citizens born in 1984 and 1987 respectively.
3. The Applicants got married on 19.11.2015 and have one biological child LN born on 18.7.2008.
4. The 1<sup>st</sup> Applicant is a businessman while the second Applicant is a teacher at Crawford International School.
5. The applicants have attached Bank Statements and Pay slips which demonstrate their financial capacity to take care of the child. They also said they have rental houses from which they earn rental income.
6. The Applicants are of general good health and they do not abuse narcotics and alcohol and they have no criminal record.
7. The Child was born on 1.7.2014. She was abandoned by the mother SM within Kawangware Area. The neighbours called a cousin to the mother to rescue the child and the matter was reported at Muthangari Police station.
8. At Muthangari Police Station, the matter was entered in OB No. 34/2/08/2014. The Police wrote 2 letters, the 1<sup>st</sup> undated and 2<sup>nd</sup> dated 28.6.2016 confirmed that the Biological Parent of the child could not be traced.
9. The Child was committed to House of Charity Children's home vide Court Order issued in Protection and Care Case No. 2 of 2015 by the Children's Court Nairobi on 21.1.2015.
10. The Child was declared free for adoption vide Certificate No. 00146 by Change Trust Adoption Society on 12.8.2016 under **Section 159(1) (a) (i)** of the Children Act which states that:  
  
*“Abandonment may be presumed if the child appears to have been abandoned at birth or if the person or institution having care and protection of the child has neither seen nor heard from a parent or guardian of the child for a period of at least six months.”*
11. The following reports were filed in respect of this adoption.

**(i) The Director Children's Services Report dated 16.11.2014**

**(ii) The Guardian Ad Litem's report dated 13.2.2019.**

**(iii) The Change Trust Adoption Society Report dated 12.8.2016.**

12. The reports are favourable and they recommend the adoption in the best interest of the child.

13. I find that the Applicants herein meet the threshold for adoption of the child and I accordingly allow the Originating Summons dated 27.2.2018 in the following terms:

**(i) THAT the Applicants be and are hereby authorized to adopt the child Baby DG.**

**(ii) THAT the child shall be renamed KMM.**

**(iii) THAT the date of birth of the child is 1.7.2014**

**(iv) THAT the REGISTRAR GENERAL be and is hereby authorized to enter the order in the Adopted Children's Register.**

**(v) THAT the child was born in Kenya and therefore entitled to a Kenyan passport.**

**(vi) THAT SMN be and is hereby appointed legal Guardian of the Child in the event that the Applicants here are incapacitated or in any way unable to discharge their parental obligations before the child attains the age of majority.**

**(vii) THAT the Guardian Ad Litem be and is hereby discharged.**

Orders to issue accordingly.

**DELIVERED, DATED AND SIGNED IN OPEN COURT THIS 22<sup>ND</sup>**

**DAY OF NOVEMBER, 2019**

**ASENATH ONGERI**

**JUDGE OF THE HIGH COURT OF KENYA, NAIROBI.**