



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KITUI

ADOPTION CAUSE NO. 3 OF 2017

IN THE MATTER OF BABY H

ON APPLICATION FOR AN ADOPTION ORDER

AND

D M M)

J M M).....APPLICANTS

R U L I N G

1. **D M M** and **J M M**, Applicants, by way of Originating Summons seek to adopt **Baby H** to be known as **G M M** (hereinafter the subject child) and upon the order being granted an entry be made in the Adopted Children's Register maintained by the Registrar General.
2. In an affidavit in support of the application the Applicants aver that they are both below the age of **65 years**, in employment, both being nurses, are married and in good physical health.
3. The subject child who is presumed to have been born on the **23rd February, 2015** was found abandoned in the bush at **Kangema** by a good Samaritan and taken to the **Murang'a District Hospital**. The matter was reported to Kahuti Police Station per the **OB No. [particulars withheld]**.
4. Upon discharge she was admitted to **Thomas Bernado House**. Thereafter she was declared free for adoption per Certificate Serial No. **[particulars withheld]** pursuant to **Section 156(1)** of the **Children's Act 2001**, on the **15th March, 2017**.
5. **R N K** was appointed by this Court on the **21st November, 2017** as the child's guardian *ad litem* and she did file a report expressing the Applicant's suitability to adopt the subject child as they had proved to be good parents to the minor who has been embraced by the extended family of the Applicants.
6. Following the order of this Court the Director of Children Services filed a report dated **30th January, 2018**. She opined that the Applicants have the ability to take up parental responsibility and custody of the child as they had adequately provided for her during the fostering period.
7. I have considered the above and find that the child having been abandoned no consent from her biological parents was required in the instant case pursuant to **Section 159** of the **Children's Act**. The child was declared free for adoption. The Applicants are within the age required for adoption purposes being **46** and **43** years respectively. Both are above the age of **21 years**. They have bonded with the child who has been embraced by members of their extended family who will be interacting with her. In the premises, I make orders as follows:
 - (i) The Applicants, **D M M** and **J M M** be and are hereby authorized to adopt **Baby H** who shall forthwith be known as **G M M**.
 - (ii) **J K M** is hereby appointed as the legal guardian of the child.
 - (iii) The Registrar General is hereby ordered to make an entry of the adoption in the Adoption Register.
 - (iv) The guardian *ad litem* is hereby discharged.
8. It is so ordered.

Dated, Signed and Delivered at Kitui this 19th day of April, 2018.

L. N. MUTENDE

JUDGE