

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KITUI

ADOPTION CAUSE NO. 5 OF 2016

IN THE MATTER OF BABY M

ON APPLICATION FOR AN ADOPTION ORDER

AND

I M N)

F I M).....APPLICANTS

J U D G M E N T

1. By way of Originating Summons, **I M N** and **F I M**, Applicants herein seek to adopt **Baby M** to be known as **M K I** and **J V M** be appointed as the Legal Guardian of the child.

2. The Applicants are adults who carry on business. They are married under the Kamba Customary Law. They have one biological daughter **D N I**, an adult who has two (2) children.

3. The subject child was born on **9th December, 2005** and later abandoned at the **Kenyatta National Hospital** Doctor's Plaza. He was rescued, treated and committed to the **Happy Life Children's Home Roysambu** by the Nairobi Children Court on the **17th January, 2006**. Subsequently he was declared free for adoption by the Kenya Children Home Adoption Society and a Certificate Serial No. **[particulars withheld]** issued on the **24th day of April, 2012**.

4. At the outset, this Court appointed a guardian ad litem of the child, **J N M** who prepared a report that was filed in Court on the **6th February, 2018**. The Director of Children's Services through the County Children Coordinator, Kitui County, **Mrs. Jacinta Mwinzi** prepared a report after conducting social investigations that is on record.

5. I have considered all the reports which are favourable to the Applicants who are stated to have met the adoption requirements for local adoption. The consent of the biological parents is not necessary as the child was abandoned and therefore his parents are unknown. The child was placed with the Applicants in **2006** therefore have bonded well. It will therefore be in the best interest of the child to be adopted by the Applicants. In the premises I allow the application and order thus:

(i) The Applicants are hereby authorized to adopt **Baby M** who henceforth shall be known as **M K I**.

(ii) **J V M** is appointed as the Legal Guardian of the child.

(iii) The Registrar General shall make an entry of this order in the Adoption Register.

(iv) The guardian ad litem is hereby discharged.

6. It is so ordered.

Dated, Signed and Delivered at Kitui this 26th day of July, 2018.

L. N. MUTENDE

JUDGE