



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI LAW COURTS
FAMILY DIVISION
ADOPTION CAUSE NO. 67 OF 2016
IN THE MATTER OF CHILDREN ACT, 2001

AND

IN THE MATTER OF BABY J.A. ALIAS BABY GIRL

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION BY

M M M.....1ST APPLICANT

G W I.....2ND APPLICANT

JUDGMENT

1. The applicants are a Kenyan couple aged 45 and 42 years, respectively. The 1st applicant is a consultant in investment and financial services and the 2nd applicant is a program manager in the development sector. They got married on 11th June 2005 and have two biological children. On 17th May 2016 they filed this Originating Summons seeking to be allowed to adopt Child J.A. who was estimated to have been born on 10th August 2014.

2. The Child was found abandoned by an unknown person within Noonkopir area Kitengela. The matter was reported to Kitengela Police Station and recorded under OB No. 32/10/8/2014. The Child was later referred to Mahali Pa Maisha Children's Home via letter dated 13th August 2014 from the Station. On 9th September 2014 Kajiado Children's Court committed the Child vide P&C No. 25/2014 for a 2 year period. A letter dated 10th February 2015 from the police stated the Child's biological parents could not be traced. Kenya Children's Home Adoption Society declared the Child free for adoption on 11th February 2015 vide certificate No. 1221. The Child was placed with the applicants on 15th February 2015 and has been under their care since.

3. On 27th July 2016 the court appointed D N T as the guardian *ad litem*. He conducted a home study of the applicants and made a report stating that the child has bonded well with the applicants' family and the extended family. The Director of Children Services filed a report on 18th January 2017 stating that the applicants are socially, economically and financially capable of providing for the Child. It further stated

that the applicants have no criminal record as evidenced by applicants' certificate of good conduct serial number 807830 and 0034883 respectively.

4. The court has considered all the reports and is of the opinion that it is in the best interests of the Child to be adopted by the applicants. The applicants have provided a conducive home and environment for the Child to develop and shall assume all parental rights and responsibilities as though they were the biological parents. They are aware that this adoption order is final and binding during the lifetime of the Child and that 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 of the Child.

5. Having been satisfied that all the legal requirements for a local adoption under the **Children Act, 2001** have been met, the following orders shall issue:-

a) the applicants M M M and G W I are allowed to adopt baby J.A. who shall henceforth be known as C A M M;

b) the Child's date of birth shall be 10th September 2014, and shall be presumed Kenyan having been found abandoned at Noonkopir area in Kitengela;

c) A W I is hereby appointed as the legal guardian to the Child in the event of death or incapacity of the applicants before she is of full age and fully self-reliant;

d) the Registrar General is directed to enter this adoption in the Adopted Children Register;

e) the Director of Immigration Services is hereby directed to issue the Child C A M M with a Kenyan Passport; and

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

DATED and SIGNED at NAIROBI this 25TH day of MAY, 2017

A. O. MUCHELULE

JUDGE