



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
ADOPTION CAUSE NO. 274 OF 2013 (O.S.)
IN THE MATTER OF ADOPTION OF BABY K M

And

IN THE MATTER OF THE APPLICATION FOR ADOPTION

BY

M M W AND J W M

(JOINT APPLICANTS)

JUDGMENT

1. The Applicants M M W and J W M are in a monogamous marriage which was solemnized at the Holy Cross Catholic Church Dandora, Nairobi on 21st June 2003 vide marriage certificate No. *[particulars withheld]*. They have no children of their own, M M W is aged 41 years and J W M is aged 36 years. They wish to adopt the child known as Baby K M, a minor of female sex. M M W is self-employed as an Electronic Technician, while J W M is a Business woman. They reside in Ruiru and are both Christians of the Catholic denomination.
2. The baby was found abandoned at Mbagathi lane, Milima Road at Hardy in Karen by Good Samaritans, one S N and his gardener F E. The matter was reported at Hardy Police Station vide Occurrence Book No. 27/23/2/2010 by the Good Samaritans on the same day. The child was taken to Nyumbani Children's Home for safe custody. On 5th March 2010 she was transferred to Hekima Home in Kiserian for care and protection. She was committed to the same Ministries by the Children's Court of Kajiado on 26th July 2011.
3. The child was released into the custody of the Applicants for mandatory foster care pending adoption, pursuant to a foster care agreement signed on 9th June 2013. Since then the child has been in continuous custody and care of the applicants.
4. Prior to the hearing of the adoption application, Kenya Children's Home, an adoption society, prepared and filed a report in court. They also issued a certificate dated 3rd May 2013 declaring the child free for adoption.
5. The Adoption Society, Guardian ad litem and the Director of Children's Services have all made home visits and established that the applicants are both financially and emotionally capable to provide for the up keep and education of the child. The Director of Children's Services filed a report recommending that the adoption would be in the best interest of the child as it would allow her to grow up in a family as

opposed to an institution. The Guardian ad litem, M K K also filed a report which was favourable and recommended the adoption of the child by the applicants.

6. This is a local adoption and from the record the Applicants have fulfilled all legal requirements relating to the adoption of the child. The consent of the biological parents was dispensed with since the child was abandoned at infancy and the parents could not be traced to give the consent. The child was in court during the hearing. She is four years old and appeared to have bonded well with the Applicants considering them as her parents.

7. After a careful assessment of the reports filed herein and from the observation of the interaction of the Applicants and the child during the hearing, this court has formed the opinion that it would be in the best interest of the child to be adopted by the Applicants. In the premise I allow the application brought by way of Originating Summons dated 13th November 2013 as follows:

- i. The Applicants M M W and J W M are hereby allowed to adopt Baby K M who shall henceforth be known as **K N M**.
- ii. Her date of birth shall be 14th February 2010. She is presumed to have been born in Kenya and the place of birth shall be Karen in Nairobi Kenya.
- iii. J W K, a sister to the 2nd Applicant is hereby appointed legal Guardian of the child should the need arise.
- iv. I direct the Registrar General to enter this order in the Adoption Register.
- v. The guardian ad litem is hereby discharged.

It is so ordered.

SIGNED DATED and **DELIVERED** in open court this **30th day of January 2015**.

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L. A. ACHODE

JUDGE