



**REPUBLIC OF KENYA**

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

**(FAMILY DIVISION)**

**ADOPTION CAUSE NO. 160 OF 2014**

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

**BABY M K**

**JUDGMENT**

1. The Applicants G M C and S W M are seeking to be authorized to adopt Baby M K hereinafter referred to as the child, and if their application is granted they seek that the child be called M M M. They also seek that Rev. S N M and S W C be appointed the Legal Guardians of the child.

2. The applicants are married. They took the child into their foster care and custody on the 20<sup>th</sup> of April 2013 and the child has been in their continuous care and control since then. They are unable to have children of their own.

3. The documents presented to the adoption agency by Tumaini Ministries in Kikuyu indicate that the child M K was abandoned at Ngemwa village in Githunguri on the 11<sup>th</sup> of July 2006. The child was declared free for adoption on 10<sup>th</sup> of April 2013 and a certificate declaring the child free for adoption No. 001253 was issued. The report from the adoption agency was filed on the 13<sup>th</sup> of June 2014. According to the said report the applicants want to adopt two male children the child being one of the said children. The applicants understand the need for the placement to be staggered. They have met the necessary pre-requisites to adopt the child as prescribed in the Children's Act 2001. The report is favorable and recommends that the applicants are suitable to adopt and that they be allowed to adopt. The report from the Director of Children Services was filed on the 21<sup>st</sup> of November 2014. Investigations revealed that bonding has taken place between the applicants and the child, that the applicants are social and economically endowed to take care and cater for the child and that the applicants have an application being Adoption Cause no. 161 of 2014 to adopt baby S M. This report too is favorable and recommends that the applicants be allowed to adopt the child. The guardian ad litem's report too is favorable.

4. It is evident that the applicant has fulfilled all the legal requirements relating to the adoption of the child. This court is satisfied that the applicants are qualified and able to take care of the child. The applicants have the financial and emotional capability to provide for the upkeep and education of the child. It was evident that in the period that the applicants have had the custody of the child, the child has bonded well with them. The child considers the applicants his parents. This court finds that it would be in the best interest of the child to be adopted by the applicants. I allow the application for adoption. The applicants **G M C** and **S W M** are hereby allowed to adopt **Baby M K**. He shall henceforth be known as **M M M**. **Rev. S N M** and **S W C** shall be the legal guardians of the child should such eventuality arise. I direct the Registrar General to enter this order in the adoption register. The child was born in Kenya and is therefore a Kenyan by birth and is entitled to a Kenyan passport. I hereby discharge the guardian ad litem. It is so ordered.

Dated signed and delivered this **23<sup>rd</sup>** day of **January 2015**

**R. E .OUGO**

**JUDGE**

In the presence of;

.....**For the Applicants**

.....**Court Clerk**