



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 78 OF 2013 (OS)

IN THE MATTER OF THE CHILDREN'S ACT NO. 8 OF 2001

IN THE MATTER OF ADOPTION OF BABY B aka R

BY

D M M AND P M (APPLICANTS)

JUDGMENT

1. The Applicants D M M and P M, are in a monogamous marriage which was solemnized at the Redeemed Gospel Church, Nairobi on 7th December 2002. They have two biological children, D M aged 12 years and P M aged 5 years. They wish to adopt the child known as Baby B aka R a minor of female sex. They indicate that D M M works as a Project Manager Accountant with *[particulars withheld]*, Kenya while P M is a self-employed Counselor. They reside in Kahawa West and are both Christians of Redeemed Gospel church.
2. The child who is the subject of this adoption proceedings was abandoned together with her twin sister, F aka R by their mother at G A's home. G A is a mid-wife who assisted in the children's delivery, at Mlango Kubwa, Nairobi on 23rd July 2007 at 6.00 a.m. Their mother whose name was given as M A O left a letter behind with contents that explained the reasons for her course of action. The mid-wife made a report at Huruma Police Station. An entry was made to that effect vide OB 27/24/07/2007 of Huruma Police Station. The child was admitted at the Missionaries of Charity Home, Huruma on 24th July, 2007 for care and protection. She was later officially committed to the same home on the 7th November, 2007 by the Senior Resident Magistrate at the Children's Court Nairobi, vide P&C Case No. 221 of 2007. The biological parents of the child were not traced. She was declared free for adoption on 20th August 2008 by the Kenya Children's Home vide certificate No.385.
3. The child was released into the custody of the Applicants for mandatory foster care pending adoption on 31st August 2008. Since then she has been in the 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 20th August 2008 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 financially and emotionally capable of providing for the up keep and education of the child. The Director of Children's Services also filed a report dated 23rd October 2014 recommending the adoption for reasons that the child stands to gain from the opportunities

provided by becoming the daughter of the Applicants as opposed to living all her life in an institution. The guardian ad litem, M O O also filed a report that was favourable and recommended the adoption of the child by the Applicants.

6. The child was in court during the hearing and appeared to have bonded well with the Applicants. She was jovial and clearly considered the Applicants as her parents. Both extended families of D M M and P M support the adoption.

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 prayers sought in the Originating Summons dated 6th March 2013 and order as follows:

i. The Applicants D M M and P M are hereby allowed to adopt baby **B aka R** who shall henceforth be known as **D M M**.

ii. Her date of birth shall be presumed to be 23rd July 2007. She is presumed to have been born in Kenya and the place of birth shall be Mlango Kubwa, Nairobi.

iii. K Ma and F M K (brother and sister in law to the 1st Applicant), are hereby appointed legal guardian of the child in the event that the Applicants die or are incapacitated by ill-health.

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 **20th day of February 2015**.

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L. A. ACHODE

JUDGE