



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
ADOPTION CAUSE NO. 305 OF 2013 (OS)
IN THE MATTER OF THE CHILDREN'S ACT NO. 8 OF 2001
IN THE MATTER OF ADOPTION OF BABY I
BY
P M M AND N W K (APPLICANTS)

JUDGMENT

1. The Applicants P M M and N W K, are in a monogamous marriage which was solemnized at the Office of the Registrar on 18th April 2007. They have one child, M M M, aged 12 years. They wish to adopt the child known as Baby I, a minor of female sex. They indicate that P works as an Accountant with *[particulars withheld]* Investment while Nancy is a Quality Assurance Officer with *[particulars withheld]* Company. They reside in Ruiru and are both Christians.
2. The child who is the subject of this adoption proceedings was found abandoned at Kiamaiko area in Nairobi. She was an infant at the time. She was rescued by a good Samaritan one F M who made a report at Huruma Police Station. An entry was made to that effect vide OB 26/28/12/2011 of Huruma Police Station. The child was admitted at the Missionaries of Charity, Mother Teresa's Home on the same day for care and protection. She was later officially committed to the same home on the 27th February, 2012 by the Senior Resident Magistrate Children's Court Nairobi, vide P&C Case No. 32 of 2012. The biological parents of the child were not traced. She was declared free for adoption on 27th January 2013 by the Kenya Children Homes vide certificate No. *[particulars withheld]*.
3. The child was released into the custody of the Applicants for mandatory foster care pending adoption on 31st January 2013. 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 27th January 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 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 14th January 2015 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 life in an institution. The guardian ad litem, M/s. J W G 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 clearly considered them as her parents. Both extended families of P M and N W 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 application brought by way of Originating Summons dated 25th November 2013 as follows:
 - i. The Applicants P M M and N W K are hereby allowed to adopt baby I who shall henceforth be known as C N M.
 - ii. Her date of birth shall be presumed to be 28th December 2011. She is presumed to have been born in Kenya and the place of birth shall be Huruma, Nairobi.
 - iii. J T M, a brother to P M, is 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