



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
ADOPTION CAUSE NO. 148 OF 2014 (OS)
IN THE MATTER OF THE CHILDREN'S ACT NO. 8 OF 2001
IN THE MATTER OF ADOPTION OF BABY D W aka D N

BY

C M M AND J K (APPLICANTS)

JUDGMENT

1. The Applicants C M M and J K, are in a monogamous marriage which was solemnized at the Assemblies of God Church, Nairobi on 12th August 2000. They have one biological child, D V M aged 13 years. They wish to adopt the child known as Baby D W a minor of female sex. They indicate that C M M works as a Quality Assurance Officer with Delarue Currency and Security Ltd while J K is self-employed. They reside in Buruburu Phase 1 and are both Christians of the Africa Brotherhood Protestant church.
2. The child who is the subject of this adoption proceedings was born premature on 24th August 2012 at Tigoni District Hospital. She was later transferred to Kenyatta National Hospital for specialized care. On 6th November 2012, the mother absconded and left the child in the hospital. The matter was reported at Kenyatta Police Post and an entry was made to that effect vide OB 19/06/11/2012.
3. On 21st December, 2012, the child was referred to Thomas Barnados Children's Home for care and protection. She was later officially committed to the same home on the 15th February, 2013 by the Senior Resident Magistrate at the Children's Court Nairobi, vide P&C Case No. 45/2013. A letter dated 8th May, 2013 from Kenyatta Police Post confirms that the biological parents of the child were not traced nor did anyone come forward to claim the child.
4. The child was declared free for adoption on 14th August 2013 by the Kenya Children's Home vide certificate No. [particulars withheld]. She was released into the custody of the Applicants for mandatory foster care pending adoption on 28th August 2013. Since then she has been in the continuous custody and care of the Applicants. Prior to the hearing of the adoption application, Kenya Children's Home, an adoption society, prepared and filed a report in court.
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 27th 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/s. P 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 C M M and J K together with their biological daughter, D V 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 28th May 2014 and order as follows:
 - i. The Applicants C M M and J K are hereby allowed to adopt baby **D W** who shall henceforth be known as **D N M**.
 - ii. Her date of birth shall be presumed to be 24th August 2012. She is presumed to have been born in Kenya and the place of birth shall be Tigoni in Limuru.
 - iii. D M K (brother to the female Applicant), 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 **17th day** of **April 2015**.

.....

L. A. ACHODE

JUDGE