



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI
ADOPTION CAUSE NO. 83 OF 2014 (OS)
IN THE MATTER OF THE CHILDREN'S ACT NO. 8 OF 2001
IN THE MATTER OF ADOPTION OF BABY J M alias J M
BY
E D G M AND M K M (APPLICANTS)

JUDGMENT

1. The Applicants E D G M and M K M, are in a monogamous marriage which was solemnized under the **African Christian Marriage and Divorce Act, Cap 151 laws of Kenya**, at AFC Sports Complex, Langata Nairobi on 8th August 1998. They were issued with marriage certificate No. **[particulars withheld]**. They have two biological children and one adopted child namely, M M M, K W M and W W I M. They wish to adopt the child known as Baby J M alias J M, a minor of male sex through the Originating Summons dated 17th March 2014. They indicate that E D G M is an Architect with **[particulars withheld]** Consultants while M K M is a self-employed **[particulars withheld]**. They reside in Langata, Ngei Phase 1 and are both Christians of the Anglican Church.

2. The child who is the subject of this adoption proceedings, according to a referral form from the Nairobi Women's Hospital was abandoned at Kabue Health Clinic in Kawangware by his mother who disappeared after she delivered twins at Kabiro Health Centre. One of the twins died on arrival at the hospital. The matter was reported at Muthangari Police Station and an entry was made to that effect vide OB 40/04/10/2011.

3. On 4th October 2011, the child was admitted to New Life Home Trust for care and protection. He was later officially committed to the same home on the 27th February, 2012, by the Senior Resident Magistrate at the Children's Court Nairobi, vide P&C Case No. 5/2012. Another letter Ref. C/CRI/7/VOL.II/8/2012 dated 15th May 2012 from Muthangari Police Station 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 23rd May 2012, by Little Angels Network Adoption Society vide certificate No. **[particulars withheld]**. He was released into the custody of the Applicants for mandatory foster care pending adoption, on 25th July 2012. Since then he has been in the continuous custody and care of the Applicants. Prior to the hearing of the adoption application, Little Angels Network, 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 filed a report dated 2nd February, 2015 recommending the adoption for reasons that the child stands to gain from the opportunities provided by becoming the son of the Applicants, as opposed to living all his life in an institution. The guardian ad litem, M/s. B A 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. He was jovial and clearly considered the Applicants as his parents. Both the extended families of E D G M and M K 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 17th March 2014 and order as follows:

- i. The Applicants, E D G M and M K are hereby allowed to adopt baby **J M alias J M** who shall henceforth be known as **J K M**.
- ii. His date of birth shall be presumed to be 4th October 2011.
- iii. He is presumed to have been born in Kenya and the place of birth shall be Kawangware, Nairobi.
- iv. C W and M W (female Applicant’s sister and brother-in-law respectively), are hereby appointed as legal guardians of the child, in the event that the Applicants die or are incapacitated by ill-health.
- v. I direct the Registrar General to enter this order in the Adoption Register.

The guardian ad litem is hereby discharged.

It is so ordered.

SIGNED DATED and **DELIVERED** in open court this **17th day** of **April 2015**.

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L. A. ACHODE

JUDGE