



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MOMBASA

ADOPTION CAUSE NO. 25 OF 2014 (OS)

AND

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

AND

IN THE MATTER OF BABY M B

JUDGEMENT

1. J M K and R M M are a married Kenyan couple. They seek to adopt a male child, known for the purposes of these proceedings as Baby M B. They have moved the court by their Originating Summons dated 7th October 2014.
2. M B was abandoned in Dandora area, Nairobi by an unknown person. She was rescued on 10.8.12 by a good samaritan who made a report at Dandora Police Station. The child was referred to the New Life Home Trust by the Njiru District Children's Officer on 12.2.13 for care and protection. The Children's Court at Nairobi later formally committed the child to the said institution on 21.6.13. New Life Home Trust placed the child with the Applicants on 4.7.13 *vide* a Care Agreement.
3. The Court did on 19.11.14 approve the appointment of S K M as the Guardian *ad litem* in this matter.
4. To facilitate this adoption, the applicants have been assessed by the Little Angels Network a registered adoption society, the Director of Children Services, and S K M the guardian *ad litem* and all have filed their respective reports.
5. Little Angels Network which arranged the adoption declared the minor free for adoption *vide* its certificate dated 3.7.13. The adoption society's report dated 3.7.13 was filed in Court on 15.10.14. The Director of Children Services' report was filed on 25.5.15 while the Guardian *ad litem* filed his on 27.11.14. All these reports are favourable and recommend the proposed adoption.
6. The Applicants for their part have demonstrated that they have the financial and emotional capability and capacity to take care of the child. The child appears to have bonded well with the Applicants and considers them to be his parents. The Applicants do not have biological children of their own.
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. The Applicants will be able to provide a home and a family for the child to grow up in and thereafter become a useful member of

the family and the society at large.

8. The Applicants have been made aware of the consequences of an adoption order. They shall assume all parental rights and duties of the biological parents in respect of the child. They shall treat the adopted child as if he was born to them. That the adoption order is final and binding during the lifetime of the child and that the child shall have the right to inherit their property. The Applicants cannot give up the child owing to any subsequent unforeseen behaviour or other changes in the child.
9. The Court is further satisfied that all the legal requirements for a local adoption have been met and makes the following Orders as prayed in the Originating Summons dated 7.10.14:
 - a. The Applicants, J M K and R M M are hereby allowed to adopt baby M B who shall henceforth be known as M K M.
 - b. The Child's date of birth is declared to be 9.7.12.
 - c. The Child is hereby declared to be a Kenyan citizen by birth.
 - d. R P K holder of National Identity Card Number **[particulars withheld]** is hereby appointed legal guardian of the child in the event that the Applicants die or are incapacitated by ill-health.
 - e. I direct the Registrar General to enter this order in the Adoption Register.
 - f. S K M the guardian *ad litem* is hereby discharged.

It is so ordered.

DATED, SIGNED and DELIVERED at MOMBASA this 11th day of November, 2015.

M. THANDE

JUDGE

In the presence of: -

..... **for the Applicants**

..... **Court Assistant**