



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT
NAIROBI
ADOPTION CAUSE NO. 265 OF 2014 (OS)
IN THE MATTER OF THE CHILDREN'S ACT NO. 8 OF 2001
IN THE MATTER OF ADOPTION OF BABY A
BY
B K M AND C K M (APPLICANTS)

JUDGMENT

1. The Applicants B K M and C K M, are in a monogamous marriage which was solemnized at St. Joseph's Cathedral, Imenti North on 18th December 2010. They have no child of their own. They wish to adopt the child known as Baby A a minor of female sex through the Originating Summons dated 10th November 2014. They indicate that B K M is a Human Resource Manager with *[particulars withheld]* while C K M, is Care Manager with *[particulars withheld]*. They reside in Ruaka and are both Christians of the Deliverance Church.
2. The child who is the subject of this adoption proceedings, was found abandoned at infancy by one M N at Kariobangi Catholic Church on 5th February 2013. The Good Samaritan reported the case at Kariobangi Police Station via OB No. 10/18/3/2013. The officer in charge referred the matter to Missionaries of Charity Children's Home for care and protection the same day. On 29th April 2013 the child was officially committed to the same home by the Senior Resident Magistrate at the Children's Court Nairobi, vide P&C Case No. 106 of 2013.
3. The child was declared free for adoption on 13th December 2013 by the Kenya Children's Home Adoption Society vide certificate No. 1027. She was released into the custody of the Applicants for mandatory foster care pending adoption on 11th January, 2014. The Applicants also signed a Foster Care Agreement dated the same day. 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.
4. 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.
5. The Director of Children's Services also filed a report dated 13th August 2015 recommending the adoption for reasons that the child stands to have the opportunities provided by becoming the daughter of the Applicants as opposed to living all her life in an institution. The guardian ad litem, Ms. J M 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 related well with the Applicants. Both Applicant's families 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. Reasons wherefore I allow the prayers sought in the Originating Summons dated 10th November 2014 and order as follows:

- i. The Applicants, B K M and C K M, are hereby allowed to adopt baby **A** who shall henceforth be known as **T M K**.
- ii. Her date of birth shall be presumed to be 22nd January 2013. She is presumed to have been born in Kenya and the place of birth shall be Nairobi.
- iii. C M M and P K (parents to the male Applicant) respectively are hereby appointed legal guardians 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 Director of Immigration is hereby authorised to issue the child with a Kenyan passport.
- vi. The guardian ad litem is hereby discharged.

It is so ordered.

SIGNED DATED and **DELIVERED** in open court this **4th day** of **December 2015**.

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L. A. ACHODE

JUDGE