



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**ADOPTION CAUSE NO. 198 OF 2014 (OS)**

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

**IN THE MATTER OF ADOPTION OF BABY C M**

**BY**

**S N M AND T M N (APPLICANTS)**

**JUDGMENT**

1. The Applicants S N M and T M N, are in a monogamous marriage which was solemnized at St. Mary's Parish, Molo on 6<sup>th</sup> March 1977. They have one child namely, M W aged 25 years who is now married. They wish to adopt the child known as Baby C M a minor of male sex through the Originating Summons dated 18<sup>th</sup> August 2014. They indicate that S N M is a farmer while T M N, is a Business woman cum farmer. They reside in Kamulu-Ruai and are both Christians of the ACK church.
2. The child who is the subject of this adoption proceedings, according to Juja Police Station letter Ref: C/CRI/6/7/32/05 dated 4<sup>th</sup> April 2005, was found abandoned at infancy inside Mungai Inn off Gatundu Road on 3<sup>rd</sup> April 2005. He was rescued by the Police who handed him over to Sister Loise of Dominican Sisters of Juja Orphanage. The incident was recorded vide OB No. 44/3/4/2005. He was later transferred to New Life Home Trust Nairobi, for care and protection. On 9<sup>th</sup> May 2005, the child was officially committed to the same home by the Senior Resident Magistrate at the Children's Court Thika, vide P&C Case No. 65/2005. Letters dated 5<sup>th</sup> and 6<sup>th</sup> May, 2006 respectively from Juja Police Station and District Children's Office indicate that the biological parents of the child were not traced nor did anyone come forward to claim the child.
3. The child was declared free for adoption on 26<sup>th</sup> March 2014 by the 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 1<sup>st</sup> July, 2005. The Applicants also signed a Foster Care Agreement dated the same day. 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, 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 13<sup>th</sup> May 2015 recommending the

adoption, for reasons that the child stands to have the added advantage of gaining a sibling born in the family and 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, Ms. B W 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 appointment of guardian litem and appeared to have bonded well with the Applicants. He was jovial and related well with the Applicants. The Applicant's daughter M W supports 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 appointment of guardian litem, 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 18<sup>th</sup> August 2014 and order as follows:
  - i. The Applicants, S N M and T M N are hereby allowed to adopt baby **C M** who shall henceforth be known as **E K N**.
  - ii. His date of birth shall be presumed to be 23<sup>rd</sup> March 2005. He is presumed to have been born in Kenya and the place of birth shall be Juja.
  - iii. G's K and S K (family friends to the Applicants) 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 **4<sup>th</sup> day of December 2015.**

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**L. A. ACHODE**

**JUDGE**