



**REPUBLIC OF KENYA**

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

**ADOPTION CAUSE NO. 143 OF 2013**

**IN THE MATTER OF THE CHILDREN ACT, 2001**

**AND**

**IN THE MATTER OF BABY P M- MINOR**

**C M M M.....1<sup>ST</sup> APPLICANT**

**W C M.....2<sup>ND</sup> APPLICANT**

**J U D G M E N T**

The applicants, C M M M and W C M, are husband and wife. They were married on 18<sup>th</sup> August 2001. The 1<sup>st</sup> Applicant is employed with Nation Media Group as a General Manager, Innovations and Business Development while the 2<sup>nd</sup> Applicant is a Kindergarten teacher . The Applicants have been blessed with one child, a son. They wish to adopt a child. They have applied to this court to be allowed to adopt baby P M (the child). The child was presumed to have been born on 6<sup>th</sup> January 2012. She was found abandoned at **[particulars withheld]** Village, Thiba Location, Mwea West District on 8<sup>th</sup> January 2012. A report was made on the same day to Wang'uru Police Station. She was taken to Kimbimbi Sub-District Hospital for temporary care and protection and thereafter placed with New Life Home Trust- Nyeri on 13<sup>th</sup> January 2012. The Child was committed by the Wanguru Children's Court to the custody of the said Children's Home on 30<sup>th</sup> May 2012 pending formal adoption proceedings. She was on 27<sup>th</sup> June 2012 transferred to New Life Home Trust- Nairobi. The Applicants were given custody of the child for mandatory foster care pending adoption pursuant to a foster care agreement signed on 20<sup>th</sup> July 2012. They took custody of the child on the same day. Since then, the child has been in the continuous custody and care of the applicants.

Prior to the hearing of the adoption, the Adoption Society, Little Angels Network, prepared a report which is filed in court. They also issued a certificate declaring the child free for adoption. The certificate is dated 18<sup>th</sup> July 2012. The Director of Children's Services prepared a report which is on record. The guardian ad litem, S W K, prepared a report which has been filed in court. All the reports are favourable and recommend that the court allows the applicants to adopt the child. I have evaluated the facts of this adoption. This is a local adoption. It is evident that the applicants have fulfilled all the legal requirements pertaining to the adoption of the child. The consent of the biological parents of the child was dispensed with since the child was abandoned at birth. They cannot be traced to give their consent. This court is satisfied that the applicants are qualified and able to take care of the child. The home visits by the guardian ad litem, the Adoption Society and the Director of the Children Services established that the applicants have the financial and emotional capability to provide for the upkeep and education of the child. This court observed the applicants with the child in court. It was evident that in the period that the applicants have had the custody of the child, the child has bonded well with them. The child considers the applicants her parents.

This court formed the opinion that it would be in the best interest of the child to be adopted by the applicants. I allow the applicants' application for adoption. The applicants, C M M M and W C M, are

hereby allowed to adopt Baby P M. Henceforth, the child shall be known as I N M. Her date of birth shall be 6<sup>th</sup> January 2012. Her Place of birth shall be ***[particulars withheld]*** Village, Thiba Location, Mwea West District. She is presumed to be a Kenyan citizen by birth. J S M, a sister of the 1<sup>st</sup> applicant, shall be the legal guardian of the child should such eventuality arise. I direct the Registrar General to enter this order in the adoption register. I hereby discharge the guardian ad litem. It is so ordered.

**DATED AT NAIROBI THIS 25<sup>TH</sup> DAY OF JULY, 2014**

**L. KIMARU**

**JUDGE**