



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI (MILIMANI LAW COURTS)**  
**ADOPTION CAUSE NO. 187 OF 2011**

**IN THE MATTER OF THE CHILDREN ACT (Act. No.8 of 2001)**

**IN THE MATTER OF BABY T.G**

**COURT AUTHORITY FOR ADOPTION (S.154 OF THE CHILDREN ACT)**

**JUDGEMENT**

**MR. J.M.N**, aged 51 years, **(the male applicant)** and his wife, **P.M.M**, aged 52 years, **(the female Applicant)** applied to this court on 6<sup>th</sup> October 2011 by Originating Summons dated 5.10.2011 under the Provisions of Section 154(1) of the Children Act, Cap 141, seeking authority to adopt a child identified by the name **Baby T.G**.

Prior to the filing of the application, the Applicants had had the child in their care and control for more than three consecutive months and had been evaluated and assessed by **KKPI Adoption Society**, a registered adoption society in Kenya.

The child sought to be adopted is aged 5 years. The requirements imposed by Sections 156, 157 and 158 of the Children Act have been met.

The child, a female, was found abandoned by her biological mother at Marsabit. The report made to the police at Marsabit is contained in O.B. No.27/3/11/2010 at Marsabit Police Station. The child was transferred to Missionaries of Charity Nairobi for temporary custody and was on 27.5.2011 committed by the Nairobi (SRM) Children's Court in Case No.122 of 2011 to the said home, Missionaries of Charity Home. No one has ever claimed the child.

On 22.6.2011, the child was placed in the care and control of the Applicants who have since continued to care for him and to give her protection.

The Applicants have no biological child of their own and their motivation in seeking to adopt was predicated on their desire to have a child of their own whom they could call family, raise, care for and give their love to.

The Male Applicant is a Civil Servant while the Female Applicant is self-employed as a business lady. Both are Christians professing the SDA faith. They have no criminal records and are in good health and in receipt of income that guarantees them financial stability and a good standard of life.

I have perused the assessment and evaluation report by KKPI Adoption Society and by the Guardian ad Litem, S.S.K, as well as the report by the Director of Children Services. All of them are positive and recommend the adoption having found the Applicants to be suitable to adopt the child.

I am satisfied that the provisions of Sections 156, 157 and 158 of the Children Act have been complied with.

I am also satisfied that the proposed adoption shall be in the best interest of the child whose welfare and future shall be better secured if she is brought up by the Applicants.

As the child has been freed for adoption, and as the biological parents of the child cannot be traced, I dispense with their consent.

As I am satisfied that the proposed adoption shall be in the best interest of the child. I accordingly, grant the Applicants authority to adopt the child and make the following orders:

1. The Applicants, **J.M.N** and **MRS P.M.M** are hereby authorized to adopt **BABY T.G.**
2. The consents of the biological parents of the child are hereby dispensed with.
3. The said child shall henceforth be known as **D.K.M.**
4. The date of birth of the child, **D.K.M** is July 2007.
5. The Legal Guardian of the child shall be **T.M.O.**
6. The Registrar General is hereby directed to enter this adoption in the Register of Adoptions.
7. For the avoidance of doubt, the rights and duties of the natural parents of the child are hereby extinguished and all the parental rights, duties, obligations and liabilities of the child, **D.K.M**, now vest in and shall be exercisable by and enforceable against the Applicants as the adopting parents as if the child were born in wedlock to the adopting parents and the child, to all intents and purposes, now stands to the adopting parents as a child born in wedlock and both the adopting parents shall henceforth be the lawful father and mother of the child.

**Dated at Milimani Law Courts, Nairobi, this 24<sup>TH</sup> day of May 2012.**

**G.B.M. KARIUKI, SC**  
**JUDGE**

**COUNSEL APPEARING**

***Mr. Kinyanjui Advocate of Mbuthia Kinyanjui & Co. Advocates for the Applicants***

*Mr. Kugwa – Court Clerk*