



REPUBLIC OF KENYA
IN THE HIGH OF KENYA AT MACHAKOS
ADOPTION CAUSE 12 OF 2011
IN THE MATTER OF BABY MK
APPLICATION BY BMM & EKM
R U L I N G

This is an adoption application relating to a child baby MK. It was dated 9th July 2011 and filed by the Applicants on 21st September 2011. On 10th October 2011 a guardian *ad litem* OMM was appointed. The applicants also requested that BNM be appointed legal guardian of the child. The application was heard on 11th may 2012.

From the documents filed and the facts before me, the child was abandoned at Ongata Rongai. He was committed to Thomas Barnados Home by the Children Court Nairobi on 5th April 2006. The Applicants (who are husband and wife) approached the Children's Home which is under Kenya Christian Homes and were granted foster care of the child in October 2006 when the child was 9 months old. The child has been in the care of the Applicants to date.

As part of the process in these proceedings, the Kenya Children's Home Adoption Society issued a certificate dated 17th October 2007 declaring the child free for adoption.

The Kenya Children's Home Adoption Society and the Director of Children Services (Children Officer) noted that the male Applicant was 42 years old while the female Applicant was 39 years old. The child has been with the Applicants for about 6 years. The biological mother has absconded and cannot be traced. The Children Officer concluded in their recommendations thus-

“...The Director of Children Services recommends that final orders be granted in favour of this application and that Baby MK be adopted by BMM and his wife Elizabeth KMM, they propose to name him SMM.”

Having considered the facts and circumstances before me, I am of the view that the proposed adoption will be in the best interests of the child. In my view, bonding in the family is satisfactory, and the adoption will give the child an opportunity to be brought up in a family with love and care. As the consent of the biological parents cannot be obtained, I will dispense with such consent.

Consequently, I allow the application and order as follows:-

1. Consent of the biological parents (mother) is hereby dispensed with.
2. The Applicants are hereby authorized to adopt baby MK, and the baby will be known as SMM.

3. BNM is appointed legal guardian of the child.

4. The Registrar General shall make an entry of this adoption in the adopted Children's register in the prescribed manner.

Dated and delivered at Machakos this 24th day of **July** 2012.

George Dulu
Judge

In presence of:-

Nyalo – Court clerk

Mr S.A Makau holding brief for Mrs Mutua for Applicants