



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NAIROBI**  
**ADOPTION CAUSE NO.78 OF 2011**  
**IN THE MATTER OF THE CHILDREN ACT, 2001**

**AND**

**IN THE MATTER OF BABY J a.k.a. J.K.N – MINOR**

M.N.M.....1<sup>ST</sup> APPLICANT  
V.W. N.....2<sup>ND</sup> APPLICANT

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

1. The amended Originating Summons dated 4<sup>th</sup> March 2010 seeks orders of adoption of a child under Sections 154 and 158 of the Children Act, No.8 of 2001 and also orders that one J.N.M, be appointed Guardian ad litem and further that the Director – children’s Department, Office of the Vice President, Ministry of Home Affairs do investigate the propriety of the Applicants’ and their fitness to adopt the child, Baby J (*hereinafter “the child”*)
2. On 25<sup>th</sup> June 2010 Kimaru J. dispensed of the issue of Guardian ad litem and appointed J.N.M aforesaid as such and the report by the Director of the Children’s Department in the Ministry of Gender, Children and Social Development was later filed on 14<sup>th</sup> March 2011. What is left to be determined is whether the Applicants should be granted orders to adopt the child, subject of these proceedings and in doing so, I note as follows;
3. The child was born to unknown parents but was found abandoned soon after birth i.e. on 27<sup>th</sup> August 2001 at a farm in Wangige, Kiambu. Later, he was taken to Nairobi Children’s Home for care and protection before being transferred to Missionaries of Charity Home.
4. At the hearing of the Summons, Mr. W.O of the Child Welfare Society confirmed that by a Report filed on 16<sup>th</sup> November 2009, the child was declared free for adoption and a certificate to that effect was duly issued and filed together with the Report.
5. I have seen a Report filed on 14<sup>th</sup> March 2011 by the Director of Children’s Services and in it, he recommends that final adoption orders should be granted in favour of the Applicants.

6. With the above background in mind, and noting that the Applicants have had custody of the child since 3<sup>rd</sup> June 2008 and their suitability as adoptive parents having been established, it is in the child's best interest that the order of adoption should be granted and I so order as prayed in the Summons dated 4<sup>th</sup> March 2011.

7. In the event, I will order that;

(i) M.N.M and V.N.M be granted orders to adopt the child.

(ii) The child should be known by names, J.K.N.

(iii) The Registrar General should make the appropriate entry in the Adopted Children's Register.

(iv) The Guardian ad Litem is discharged.

(v) Costs will be in the Cause.

8. Orders accordingly.

**DELIVERED, DATED AND SIGNED AT NAIROBI THIS 8<sup>TH</sup> DAY OF JULY, 2011**

**I. LENAOLA  
JUDGE**

**CORAM**

**I. LENAOLA – JUDGE**

**David – Court Clerk**

**Miss Kamuyu for Applicants**

**Applicants present**

**ORDER**

**Judgment duly read.**

**I. LENAOLA**

**JUDGE**

