



**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)**

Adoption Cause 137 & 138 of 2004

IN THE MATTER OF MK.....MINOR

AND

JMM & ANM.....APPLICANTS

CONSOLIDATED WITH

Adoption Cause 138 of 2004

AND

JMM & ANM.....APPLICANTS

CONSOLIDATED JUDGEMENT

The Applicants herein are Kenyan Citizens and they profess Christianity and they have been married for the last thirteen years. The 1st Applicant is by profession a Senior Switch Operator with Paynet and the 2nd Applicant is a Church Administrator with Pentecostal Evangelistic Fellowship of Africa.

The Applicants have fostered both infants from April 2002 up to date. The infants have remained under the Applicants continuous care and custody from February, 2001 and April, 2002 respectively when they were placed under their foster care.

The infant baby MK was abandoned immediately after birth at Meru District Hospital. The matter was reported to the Meru Police Station. The child was subsequently referred to Rehema Pefa Children's Home on 7th December 1999 and duly committed to the said home through the Juvenile Court order dated 11th November, 1999.

He was placed under the foster care of the Applicants on 25th February, 2001.

According to the report and declaration filed herein by the Child Welfare Society, nobody has tuned up to claim the child who was declared free for adoption under the provisions of Sections 15(1) of the Children Act 2001 and similarly the consents of the biological parents could not be obtained.

As regards baby NN, she too was abandoned on 11th December, 2000 and was picked by a good Samaritan and taken to Machakos General Hospital. She was admitted at Rehema Pefa Home on

28/8/2000 and was duly committed to the said home for care and protection on 8th August, 2001. On 8th April, 2002 she was placed under the foster care of the Applicants.

According to the reports by the Child Welfare Society, the whereabouts of the maternal parents of the minor has remained unknown and therefore she is unlikely to be claimed. The Child Welfare Society there issued the Declaration under Section 156 (1) of the Children Act 2001 declaring the child free for adoption. Similarly, the consents of the biological parents could not be obtained as the child was abandoned.

The Applicants were duly evaluated by the Director of Children's Services, and the reports filed herein is favourable and recommends the adoption as it promoted the best interest of the minors who have so far bonded very well with each other as siblings and with the Applicants whom they have known as their parents.

The Applicants are reasonably well to do financially with a reasonable income to provide for the two children. They are respected members of their community and Church. They are committed to each other as husband and wife and their relationship has withstood the pressures and tensions of childlessness of many years until they settled for adoption in order to complete their family.

They understand the implications of adoption and they are ready to provide for the entire welfare of the children including inheritance rights of the two children.

The children are well adjusted, they have not only been accepted by the Applicants but also the extended family. The Applicants have come across strong Christians with family values and their attitude to marriage and family relationship will offer these children a strong foundation that will enable the children to grow as balanced individuals.

I have carefully considered all the reports filed herein, I am satisfied that the Applicants have met all the conditions set out under the Children Act 2001, especially Part XII on Local Adoption. I am also satisfied that the orders sought will promote the best interest of these infants who were abandoned. This adoption will offer them, an opportunity to grow up in a family under the loving care and guidance of the Applicants which is a better option than the home for abandoned children.

Accordingly, I hereby grant the orders sought and the Applicants are hereby authorized to adopt **BABY MK** who shall henceforth be known as **MOM** and **BABY NN** who shall henceforth be known as **NNM**.

It is so ordered.

Judgement read and signed on 20/1/2005

MARTHA KOOME

JUDGE