



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**FAMILY DIVISION**  
**ADOPTION CAUSE NO. 61 OF 2005**

**SB.....MINOR**

**AND**

**FNM.....1ST APPLICANT**

**DTM.....2ND APPLIANT**

**JUDGMENT**

The Joint Applicants in this Adoption Cause are married to each other and they have been so married in a monogamous union since 2nd September 2000.

The child they have sought to adopt is a Female child who was born on 13th July 2004.

The child was found abandoned in Kitengela area on 13th August 2004 by a Good Samaritan who reported the matter of abandonment at Kitengela Police Station. It is the police who took the child to Thomas Barnardo Home where she was committed through the Children's Court orders issued on 6th December, 2004 for care and protection. The child was eventually placed with the Applicants for fostering on 17th January 2005.

According to the report and the Certificate from the child Welfare Society , the contacts for the contents of the natural parents or relatives of the child could not be obtained and all efforts to trace them were not fruitful. According the consents of the natural parents are hereby dispensed with. The child was duly declared free for adoption. She has already bonded very well with the Applicants and has been accepted by not only the Applicants but their larger family.

The suitability of the Applicants as adoptive parents was assessed and according to the report by the Director of Children's Services who carried out a home study, the Applicants have no biological children of their own although no medical condition can be attributed to this state. Thus they are desirous of having a child they can call their own, they were inspired by a request made in their church for couples to consider adoption of the many homeless children.

They have given adequate consideration to the issue of adoption. Both Applicants are Christians they are well adjusted members of their communities and they fully understand the consequences of an order of adoption, that it will among other things be place upon the permanent responsibility of bringing up the child including the fact that the child shall have full rights of inheritance.

The report by the Director by the Children's Services recommends this adoption as it will promote the best interest of the child. I have carefully considered all the reports as well as the statements by the Applicants. I am satisfied that the Applicants have fulfilled all the conditions especially those set out under Part XII of the Children Act 2001. I am satisfied that the adoption order will promote the best interest of the child.

The order shall afford the child an opportunity to grow up in a family under the careful and loving guidance of the Applicants. She will also be entitled to a home and a family she can call her own a better

option than the name of abandoned children.

Accordingly, I hereby allow the order sought and the Applicants herein, F.N.M. and D.T.M. are hereby allowed to adopt baby SB who will henceforth be known as W.M. It is so ordered.

Judgment read and signed on 25th November 2005.

**MARTHA KOOME**

**JUDGE**