



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 50 of 2019

IN THE MATTER OF THE CHILDREN ACT NO. 8 OF 2001

AN

IN THE MATTER OF BABYJ aka JMM

JMN.....1ST APPLICANT

VS

GWM1ST APPLICANT

JUDGMENT

1. The two Applicants in this case, JMN and GWM. (hereafter referred to as the 1st and 2nd Applicants respectively) have filed the Originating Summons dated 15.4.2019 seeking among other orders authority to adopt Baby J. alias JMM (hereafter referred to as the child).
2. The 1st and 2nd Applicants are adult Kenyan Citizens aged 46 and 44 years respectively.
3. The 1st and 2nd Applicants got married on 1.12.2001 at ACK [particulars withheld] in Kirinyaga and they have attached their marriage certificate No. [particulars withheld].
4. The 1st Applicant works with [particulars withheld] limited as a Machine Operator and the 2nd Applicant works with [particulars withheld] ESTATES as an accountant.
5. The 1st and 2nd Applicants have attached their financial documents to demonstrate their financial ability to look after the child. They have a combined income of about 52,000/-.
6. They have also attached Certificates of good conduct and medical Reports to show that they have no previous criminal record and they are healthy and therefore fit to adopt the child.
7. The Child was found abandoned at Elgon view Estate in Eldoret on 13.1.2018 by a good Samaritan who rescued the child and reported to Eldoret Police station in OB xx/13/01/2018.
8. The Police did a first letter dated 13.1.2018 and the child was taken to Moi Teaching and Referral Hospital for Medical examination and was admitted at the hospital for 11 days.
9. The Child was then committed to Thomas Barnardo House for shelter and formally committed to the same facility vide care and protection case No. 24 of 2018 on 17.8.2018 by Eldoret Children's Court.
10. The police did investigations and no one came forward claiming the child and the police did a final report on 17.8.2018.
11. The child was declared free for adoption vide certificate No. 1501 dated 17.10.2018 by Kenya Children's home Adoption Society.
12. The Child was placed under the care of the 1st and 2nd Applicants on 4th December 2018 and they appear to have bonded well.
13. The following Reports were filed in respect of this Adoption.

(i) The Director Children Services report dated 4.12.2019

(ii) The Kenya Children's Home Report dated 24.5.2019

(iii) The Guardian Ad Litem's Report dated 17.9.2019.

14. I have considered the said Reports in view of the Originating Summons filed herein together with Affidavits filed in the Originating summons and also annexures thereto.

15. I find that the 1st and 2nd Applicants meet the threshold for adoption of the child and I accordingly allow the originating summons dated 15.4.2019 in the following terms:

(i) THAT the Applicants JMN and GWM herein be and are hereby authorized to adopt baby J aka JMM.

(ii) THAT the Child shall henceforth be known as JMM.

(iii) THAT the child shall be presumed to be a Kenyan Citizen by birth.

(iv) THAT the child's date of birth shall be 20th October 2017.

(v) THAT the Registrar General be and is hereby directed to enter the Adoption in the Adopted Children Register.

(vi) THAT KMM and JWN be and are hereby appointed Legal Guardians of the Child in case of incapacity of the Applicants before the child attains the age of the Majority.

(vii) THAT the Guardian Ad Litem be and is hereby discharged.

DELIVERED, DATED AND SIGNED IN OPEN COURT THIS 7TH DAY OF FEBRUARY 2020.

ASENATH ONGERI

JUDGE OF THE HIGH COURT OF KENYA, NAIROBI.