



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

ADOPTION CAUSE NO. 112 OF 2017

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

AND

IN THE MATTER OF APPLICATION FOR THE ADOPTION OF J aka KNM (MINOR)

MBG.....1ST APPLICANT

AND

AWM.....2ND APPLICANT

AND

ORIGINATING SUMMONS OF AN APPLICATION FOR AN ADOPTION ORDER

RULING

1. The Applicants herein MBG and AWM (hereafter referred to as the Applicants) approached this Court by way of Originating Summons dated 3.8.2017 seeking the following orders;
 - (i) THAT the Applicants be authorized to adopt Baby J aka KNM (hereafter referred to as the child).
 - (ii) THAT if the adoption Order is granted, the child be known as KNM.
 - (iii) THAT the said Child be considered a Kenyan Citizen
 - (iv) THAT the consent of the Biological Parents dispensed with since the Child was abandoned.
 - (v) THAT ZAG be appointed the legal guardian of the Child in the event of death or incapacity of the Applicants before the Child attains the age of majority.
 - (vi) THAT the Registrar General do enter the adoption order in the Adoption Register.
2. The Applicants got married in September 1993 under Islamic Laws and they both profess the Islamic Faith.
3. The Applicants who are both in business have no biological children of their own.
4. The Child was abandoned at Ms Rose Wangui's gate at VILLA FRANCA CHUI COURT HOUSE NO. 178 Embakasi Area in Nairobi on 3.6.2015.
5. The Child was taken to VILLA FRANCA Police Post and the matter was recorded in OB No. [Particulars withheld] and handed over to the custody of Thomas Barnado house as a child in need of care and protection on 3.6.3015.
6. The Child was committed to THOMAS BARNADO on 18.5.2016 vide Protection and Care Case No. 108/2016 and on 20.5.2016,

Embakasi Police Station confirmed that no one had gone to claim the child since she was abandoned.

7. The Child was freed for Adoption by the Kenya Children's Home Adoption Society Case Committee Sitting on 9th November, 2016 vide Certificate Serial No. [Particulars withheld] issued pursuant to Section 156 (1) of the Children's Act 2001.

8. The following documents were relied on in respect of this adoption.

- (i) Birth Certificate Serial No. [Particulars withheld]
- (ii) First Letter from police dated 3.6.2015
- (iii) Clinic Card
- (iv) HIV results
- (v) Medical Admission Form
- (vi) Committal request dated 17.5.2016
- (vii) Committal Order dated 18th May 2016
- (viii) Final Police Letter dated 16.5.2016
- (ix) Confirmation note by Rosemary Wangui dated 31.10.2016

9. The guardian ad litem filed a report dated 4.12.2017 detailing the background of the Applicants and the motivation to adopt the Child.

10. The Kenya Children's Home also wrote a report dated 25.7.2017 in which they stated that the Applicants have met the legal requirements for adoption of the child. The child was put in Applicants' foster care and custody on 24.2.2016 and they have bonded well.

11. The Director of Children's Services investigated the matter and filed a report dated 13.9.2018 which is also favourable. The Report also states that this is a local adoption and that the Applicants have fulfilled the legal requirements for a local adoption and it recommends that it is in the best interest of the child to allow the adoption.

12. This Court has carefully considered the originating summons together with the Reports filed herein. I find that the Applicants have met all legal requirements for adoption of the child. I accordingly order as follows:

- (i) THAT the Applicants be and are hereby authorized to adopt BABY J a.k.a KNM (the child)
- (ii) THAT the child be hence forth known as KNM.
- (iii) THAT the Child be henceforth be considered as a Kenyan Citizen
- (iv) THAT the consent of the biological parents be and is hereby dispensed with since the child was abandoned.
- (v) THAT Mr. ZAG be and is hereby appointed Legal Guardian of the child in the event of incapacity by the Applicants before the Child attains the age of majority.
- (vi) THAT the date of birth of the Child be 3rd June, 2015
- (vii) THAT the Registrar General is directed to enter this Adoption in the adoption Register.
- (viii) THAT the guardian ad Litem be and is hereby discharged.

Orders to issue accordingly.

DELIVERED, SIGNED AND DATED IN OPEN COURT THIS 15TH DAY OF FEBRUARY 2019.

ASENATH ONGERI

JUDGE OF THE HIGH COURT OF KENYA, NAIROBI