



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**ADOPTION CAUSE NO. 9 OF 2019**

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

**AND**

**IN THE MATTER OF APPLICATION FOR THE ADOPTION OF**

**BABY M.**

**AND**

**ORIGINATING SUMMONS OF AN APPLICATION FOR AN ADOPTION ORDER**

**MKG.....APPLICANT**

**JUDGMENT**

1. The Applicant in his Originating Summons dated 5.2.2019 is seeking the following orders:

***(i) THAT the Applicant be allowed to adopt Baby M (hereafter referred to as the child)***

***(ii) THAT the Consent of the biological parent of Baby M be dispensed with since the child was abandoned by her biological mother.***

***(iii) THAT upon adoption the child be called LGK.***

***(iv) THAT the Registrar General do make appropriate entries in the Adopted Children's Register in respect of LGK.***

2. The Applicant who was born on 26.1.1970 is a single African Male Adult who works as a salesman I Cologne Germany.

3. I have perused the reports filed herein and the following issues about the Child have to be clarified in the reports before Originating Summons can be considered:

(i) Where was the child found or abandoned?

(ii) Who found the abandoned Child?

(iii) When was this matter reported to the Police?

(iv) Where was the child between January 24<sup>th</sup> 2012 and 3<sup>rd</sup> April 2013 when Kariene Police Station wrote a final Police letter that the mother could not be traced?

4. Lady Justice Achode in **In re P B (Baby) [2017] eKLR** denied an application for adoption until such a time as **Section 158(2)** of the **Children's Act** is fully complied with.

5. For reasons stated above, this Court directs that the Director of Children's Services to investigate this matter afresh and file another report within 45 days of this date as the report filed herein dated 19.2.2018 is not clear on the issues stated above.

**DELIVERED, DATED AND SIGNED IN OPEN COURT THIS 5<sup>TH</sup> DAY OF APRIL, 2019**

**ASENATH ONGERI**

**JUDGE OF THE HIGH COURT OF KENYA, NAIROBI**