



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

ADOPTION CAUSE NO.117 OF 2018

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

AN

IN THE MATTER OF APPLICATION FOR THE ADOPTION OF

BABY MJ (MINOR)

AN

ORIGINATING SUMMONS OF AN APPLICATION FOR AN ADOPTION ORDER

JWKM.....1ST APPLICANT

JNK.....2ND APPLICANT

JUDGMENT

1. The Applicants in this case approached this Court by way of Originating Summons dated 24th August 2012 seeking the following prayers.

(i) THAT the Applicants JWKM AND JNK be authorized to adopt Baby M. J. (hereafter referred to as the Child)

(ii) THAT the child be renamed JFK

(iii) THAT the Child be presumed to be a Kenyan Citizen by birth

(iv) THAT the guardian ad litem be discharged upon grant of the adoption order.

(v) THAT AWM and LMN be appointed legal guardians of the child in the event of the Applicants being incapacitated before the child attains the age of majority.

(vi) THAT the Registrar General be directed to make appropriate entries in the Adopted Children Register and to issue a Certificate to that effect.

(vii) THAT the Court do issue any such further orders as are in the interest of Justice.

2. The Applicants got married in April 2012 and solemnized their marriage on 24th November, 2017.

3. The child was born on 5.7.2017 and was referred to Rehema Hospital in the Company of the mother where the twin succumbed within 4 minutes.

4. On 16.7.2017, the mother absconded from the hospital and abandoned the child.

5. The matter was reported to the OCS Athi River Police Station under OB No. 50/17/07/2017.

6. The Child was later committed to Mahali pa Maisha Children's home on 1.8.2017 vide Protection and Care file No. 13 of 2017.
7. Efforts to trace the mother were futile as evidenced by two Police letters dated 23/7/2017 and 19.1.2018.
8. The Director of Children's Services compiled a report dated 5.12.2018 which is in favour of the Adoption.
9. The Guardian Ad Litem also filed a report in Court dated 31.1.2019.
10. The Adoption Society's report dated 22.10.2018 is also in favour of the adoption.
11. In the case of **N H N O S v Little Angels Network [2014]eKLR** the court stated:

“...The child now requires stability in his life. I am firmly of the opinion that the best interest of this child will be served by allowing his adoption by the applicants. Based therefore on the foregoing I hereby grant this application for adoption....”

12. I have considered the reports filed herein. I find that the Applicants meet the threshold for adoption of the child.
13. I accordingly allow the Originating Summons dated 24.8.2018 and order as follows:

(i) THAT the Applicants herein JWKM and JNK be and are hereby allowed to adopt Baby MJ

(ii) THAT the child will be renamed JFK.

(iii) THAT the child be presumed to be a Kenyan Citizen by Birth

(iv) THAT the date of birth of the Child shall be on 5.7.2017.

(v) THAT the Registrar General is directed to make appropriate entries in the Adopted Children Register and to issue a Certificate to that effect.

(vi) THAT the guardian ad Litem be and is hereby discharged.

(vii) THAT AWM and LMN be and are hereby appointed legal guardians of the child in case of incapacity of the Applicants before the child reaches the age of majority.

Orders to issue accordingly.

DELIVERED, SIGNED AND DATED IN OPEN COURT THIS 5TH DAY OF APRIL, 2019

ASENATH ONGERI

JUDGE OF THE HIGH COURT OF KENYA, NAIROBI

IN THE PRESENCE OF:

Applicants.