



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT MACHAKOS**  
**ADOPTION CAUSE NO. 19 OF 2018**  
**IN THE MATTER OF BABY AM**  
**ON APPLICATION FOR AN ADOPTION ORDER**

TKY )

DJK ).....APPLICANTS

**RULING**

1. This application is brought by way of Originating Summons dated 2<sup>nd</sup> August, 2018 by the Applicants TKY and DJK seeking the following orders:

1. **THAT the requirements of Section 158(4) (a) of the Children's Act be waived as provided for by Section 159(I) of the Act.**
2. **THAT SC be appointed Guardian ad Litem in this case.**
3. **THAT the Applicant be authorized to adopt baby AM and the baby be known as AYK.**
4. **THAT MY be appointed Legal Guardian of the child.**
5. **THAT the Director of Children's Department do investigate the case and file a report.**
6. **THAT it is directed that the Registrar-General shall make in the adopted Children's Register an entry recording the adoption in accordance with the particulars set out in the Schedule attached hereto.**

2. In the preliminary stage, prayer 2 and 5 were granted by the court.

3. The Applicants TKY and DJK are husband and wife aged 35 and 36 years respectively. T is a therapist whereas D is a Nurse and they reside in [particulars withheld] area of Nairobi and received the infant under their custody as from 26.1.2018 and fostered him since then. They have not yet been able to get biological children of their own.

4. **MY** swore an affidavit dated 2<sup>nd</sup> August, 2018 to confirm consent to act as Legal Guardian and that she has no objection to the Applicants adopting **Baby AM**.

5. **Baby AM** was estimated to have been born on 26<sup>th</sup> January, 2017 via entry number [xxxx]. He was found unattended immediately after birth at Muteithania Nursing Home whereupon the matter was reported and recorded at the Muthangari Police Station vide [xxxx]. The minor was transferred to New Life Children's Home where he was admitted on 27.1.2017. On 19.5.2017, the child was committed to the legal custody of New Life Childrens Home for three years for care and protection by the Nairobi Childrens Court after committal issued via **P& C No. 233 of 2017**.

6. The minor remained unclaimed for more than 6 months and on 6.12.2017, Baby AM was declared free for adoption by the Case Committee of the KKPI Adoption Society vide an illegible certificate number issued on 6.12.2017.

7. On 8.11.2018 this Court directed the Director of Children Services Machakos to conduct investigations as to the suitability of the Applicant to adopt Baby AM and submit a report and findings to Court.

8. EK is the Machakos Sub-County Children's Officer. She conducted a Social Inquiry on the Applicants by visiting and interrogating them at their home on an unknown date. It was observed that the Applicants reside in a 2-bedroomed house in Utawala that has electricity and is well furnished. They have taken care of baby AM and bonded well with the said minor who has many nice clothes and shoes and toys and they intend to relocate to their home-county to take up animal and crop husbandry. The applicants seemed to have bonded well with the minor together with the extended family who seem to have accepted the minor and it is in the best interests of baby AM to be adopted by the Applicants. The Sub-County Children's Officer, Machakos filed a favourable report dated 18/01/2019 as to the suitability of the Applicant to adopt baby AM, and she equally appeared in court on 24.1.2019 to confirm the contents of her report.

9. On 24.1.2019, GE of Little Angels Network appeared in court to recommend the applicant's application and to have the report dated 29.9.2017 confirming the suitability of the applicant to be adopted in the proceedings. On 24.1.19, the Applicants appeared before me and affirmed their commitment to adopt the baby and take care of him.

10. This court is satisfied that the Applicants are suitable persons to adopt Baby **AM** and that they are financially stable and have the means to provide and care for him. I find it is in the best interest of the baby to allow the application for adoption.

11. In the result the Applicants Application dated 2/08/2018 is allowed in the following terms:-

- 1. THAT the Applicants be and are hereby authorized to adopt baby AM and the baby be known as AYK.**
- 2. THAT MY be and is hereby appointed Legal Guardian of the minor.**
- 3. THAT the Registrar-General do make in the Adopted Children Register an entry recording the adoption in accordance with the particulars set out in the Schedule to this order.**
- 4. THAT the Guardian Ad Litem is hereby discharged.**

**It is so ordered.**

**Dated and delivered at Machakos this 16<sup>th</sup> day of July, 2019.**

**D.K. KEMEI**

**JUDGE**