



**REPUBLIC OF KENYA**

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

**ADOPTION CAUSE NO. 2 OF 2018**

**IN THE MATTER OF BABY JT**

**ON APPLICATION FOR AN ADOPTION ORDER**

**AND**

**JMM.....APPLICANT**

**J U D G M E N T**

1. By way of Originating Summons, **JMM**, a sole female seeks to adopt **Baby JT** to be known as **EM**. The Applicant is an adult below the age of **65 years** and a Kenyan National who resides in **Kitui County**. She professes the Christian religion and has been blessed with a daughter who is an adult and married with a child. Her health is good. She is a business lady with a monthly income of **Kshs. 150,000/=** and owns land in **Kyangwithya/Tungutu/[...]**, measuring **2.0 Ha**.

2. The child herein is presumed to have been born on **25<sup>th</sup> May, 2015**. He was abandoned near the railway and rescued by a good Samaritan who reported the matter to the police station, **Ruiru**, which was booked in the **O.B. No. 4/6/25/5/2015** subject to medical examination. He was admitted to **New Life Home Trust** on the **26<sup>th</sup> May, 2015** and thereafter **Thika Children Court** committed him to the same home for care and protection through **Case No. 180/2015**.

3. On the **8<sup>th</sup> day of July, 2016**, the child was declared free for adoption pursuant to **Certificate No. [...]**. On the **22<sup>nd</sup> September, 2016** the child was placed with the Applicant for foster purposes. **FMM** was appointed as a guardian ad litem of the child on the **29<sup>th</sup> September, 2018**. She has filed a report confirming the Applicant's commitment to her role as the adoptive mother of the child. She avers that they have interacted properly and bonded in an exemplary manner hence her positive recommendation.

4. **Jacinta Mwinzi, Mrs**, a Children Officer, **Kitui County** representing the Director of Children Services recommends adoption of the child by the Applicant as she proved being capable of providing for the child adequately.

5. From the foregoing, it is proved that adoption requirements for local adoption following the provisions of the **Children Act** have been fulfilled. The Applicant having bonded with the child is capable of providing for him, loving him and is therefore qualified to care for him. This is in the best interest of the child.

6. Investigations carried out failed to establish the whereabouts of the biological parents of the child as he was abandoned, therefore the requisite consent of his biological parents is dispensed with in accordance with **Section 159(1)** of the **Children Act, 2001**.

7. Consequently, the Application is allowed and I grant orders as follows:

(i) The Applicant be and is hereby authorized to adopt **Baby JT** who shall henceforth be known as **EM**.

(ii) **EMM** and **MSK** are hereby appointed as the legal guardians of the child.

(iii) The Registrar General shall enter this Adoption Order in the Adopted Children Register.

(iv) The Guardian ad litem is hereby discharged.

8. It is so ordered.

**Dated, Signed and Delivered at Kitui this 16<sup>th</sup> day of July, 2019.**

**L. N. MUTENDE**

**JUDGE**