



**REPUBLIC OF KENYA**

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

**ADOPTION CAUSE NO. 8 OF 2018**

**IN THE MATTER OF BABY MK**

**ON APPLICATION FOR AN ADOPTION ORDER**

**PNK )**

**AMP ).....APPLICANTS**

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

1. By way of Originating Summons, the Applicants herein seek to adopt **Baby MK**, who shall be re-named **MMP**. The Applicants are inhabitants of **Kitui County, Kenya**. They contracted a monogamous marriage and were blessed with one issue of the marriage. They are adults below the age of **65 years** and are in good health.

2. The child in issue is presumed to have been born on **25<sup>th</sup> December, 2016**. He was found to have been abandoned at **Kanjuku Area** on the **16<sup>th</sup> April, 2017** by **Margaret Nduta Ndungu**, a good Samaritan, rescued and taken to **Githunguri Police Station** where the incident was reported in **O.B. No. [xxxx]**.

3. The minor was placed at **Limuru Children Centre** for care and protection and was admitted at the centre on **18<sup>th</sup> April, 2017**. Thereafter **Githunguri Children Court** committed the child to the centre through **Care and Protection Case No. [xxxx]**.

4. On the **17<sup>th</sup> January, 2018** the child as declared free for adoption per **Certificate No. [xxxx]**. On the **14<sup>th</sup> May, 2018** he was placed with the Applicants for fostering. The Court appointed **JMM** as a guardian ad litem who filed a report in this respect. He found the Applicants capable of offering the child parental love, care and guidance therefore suitable to adopt the child.

5. A report filed by **Mrs. Jacinta Mwinzi**, Children Officer, **Kitui** for the Director Children Services is to the effect that the Applicants have the ability considered important to take up parental responsibility and custody of the child which is beneficial to the child.

6. Investigations conducted having established that the child was abandoned, the consent of his biological parents is dispensed with pursuant to **Section 159(1)** of the **Children Act, 2001**.

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

(i) The Applicants are authorized to adopt **Baby MK** who shall henceforth be known as **MMP**.

(ii) **CYK** and **WNY** be and are hereby appointed as legal guardians of the child.

(iii) The child shall be presumed to be a Kenyan Citizen who is entitled to the rights and benefits of a Kenyan Citizen, including being issued with a Passport.

(iv) The Registrar General shall make an entry in the Adopted Children Register.

(v) 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