



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT KITUI**  
**ADOPTION CAUSE NO. 7 OF 2018**  
**IN THE MATTER OF BABY MMN**  
**ON APPLICATION FOR AN ADOPTION ORDER**  
**AND**  
**JMM)**  
**HMM).....APPLICANTS**

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

1. By way of Originating Summons, the Applicants herein seek to adopt **Baby MMN** to be re-named **MWM**. The Applicants hail from **[particulars withheld] County, Kenya**, are below the age of **65 years**, have not been blessed with any child and are of good health.
2. The child in issue was presumably born on the **13<sup>th</sup> day of April, 2017**. He was found abandoned at **Gathanga Trading Centre** on **2<sup>nd</sup> May, 2017**. **CW** who rescued him stayed with him until **5<sup>th</sup> May, 2017** and reported the matter to **Karuri Police Station** per the **O.B. No. x/x/x/xxxx**.
3. The minor was placed at **Limuru Children Centre** as a child in need of care and protection on the **5<sup>th</sup> May, 2017**. Subsequently, **Limuru Children Court** formally committed the child to the centre on the **10<sup>th</sup> May, 2017** pursuant to **Protection and Care Case No. 31 of 2017**.
4. On the **21<sup>st</sup> February, 2018**, the child was declared free for adoption per **Certificate No. xxxx**. On the **16<sup>th</sup> April, 2018** the child was placed with the Applicants for purposes of fostering. The Court appointed **PNK** as a guardian ad litem who filed a report stating that the Applicants have taken good care of the child. They live in a good environment, are loving parents and the entire family has bonded with the child.
5. A report filed by **Mrs. Jacinta Mwinzi**, the Children Officer, **Kitui County**, for the Director of Children Services is to the effect that the Applicants have the ability considered important to take up parental responsibility which is to the benefit of the child.
6. From the foregoing, it is apparent that adoption requirements for local adoption pursuant to the **Children Act** have been fulfilled. The Applicants having bonded with the child and being qualified to provide and care for the child should be conferred with the adoption order.
7. Investigations carried out established that the child was abandoned therefore the consent of his biological parents is dispensed with pursuant to **Section 159(1) of the Children Act, 2001**.

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

- (i) The Applicants are authorized to adopt **Baby MMN** who shall henceforth be known as **MWM**.
- (ii) **JNM** and **JNJ** be and are hereby appointed as his legal guardians.
- (iii) The Registrar General shall enter this Adoption Order in the Adopted Children Register.
- (iv) The child shall be presumed to be a Kenyan Citizen and as a consequence shall be entitled to the rights and benefits of the citizen including being issued with a Kenyan Passport.
- (v) The Guardian ad litem is hereby discharged.

9. It is so ordered.

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

**L. N. MUTENDE**

**JUDGE**