



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO.156 OF 2018

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

AND

IN THE MATTER OF APPLICATION FOR THE ADOPTION OF

BABY M.K. alias M. alias A.B.B.

BY

G.J.M.K.....1ST APPLICANT

M.O.T J.....2ND APPLICANT

JUDGMENT

1. The Applicants in this case G.J.M.K and M.O.T.J. (hereafter referred to as the 1st and 2nd Applicants respectively) have filed this Originating Summons dated 30.10.2018 seeking to be authorized to adopt BABY M.K. alias M. alias A.B.B. (hereafter referred to as the Child) and to name him Y.A.J.
2. The Applicants are Adult Kenyan Citizens born on 10.12.1977 and 23.10.1978 respectively.
3. The Applicants are a married couple who celebrated their marriage on 18.5.2007 at Nairobi Baptist Church.
4. The applicants have two biological children by name;
 - a) **S. J. born on 15.3.2008**
 - b) **A. N. born on 18.5.2017**
5. The Applicants are self-employed Business people who run a crafts and handmade gifts company.
6. The Applicants are physically and emotionally healthy and fit to parent the child as evidenced by the medical reports and certificates of good conduct.
7. The child was found abandoned in a sewage next to a dumpsite on 11.9.2015 in Mathare Slum in Ngong by a good Samaritan who reported the matter to Ngong Police Station as evidenced by Police letter dated 11/9/2019. The OB Number is 18.11.2019.
8. The Matter was reported to Kajiado North Sub-county Children's Office and a Temporary placement was sought at Mahali pa Maisha Children's Home.
9. The Child was committed to Mahali Pa Maisha Children's Home by Kajiado Children Court vide care and Protection Case No. 21 of 2015 on 12.11.2015.
10. The Police investigated the matter and issued a final Police letter on 27.4.2016 confirming that no claim had been made concerning the child.
11. The child was declared free for adoption by the case committee of Charge Trust Adoption Society vide Certificate serial No. 00148 on

12.8.2016, under **Section 159(1) (a) (i)** of the **Children Act** which states that:

“Abandonment may be presumed if the child appears to have been abandoned at birth or if the person or institution having care and protection of the child has neither seen nor heard from a parent or guardian of the child for a period of at least six months.”

12. The Little Angels Network Adoption Society filed a Report dated 10.12.2014 which is favourable.

13. The Director Children’s Services also filed a report dated 9.4.2019 which recommends the adoption.

14. The Guardian Ad Litem also filed a Report dated 21.1.2019 which is also in favour of the adoption.

15. I have considered the Originating summons filed herein together with the Reports and annexures filed in the Originating Summons. I find that it is in the bests interest of the child that the Adoption be allowed. I accordingly allow the Originating Summons dated 30.10.2018 in the following terms;

(i) THAT the Applicants G.J.M.K and M.O.T.J be and are hereby authorized to adopt Baby M. J. alias A. B. B. and to name him Y.A.J

(ii) THAT the child be presumed a Kenyan Citizen by birth and be accorded the Right of a Kenyan Citizen.

(iii) THAT the Registrar General be and is hereby directed to enter this order in the Adopted Children Register.

(iv) THAT the Director Immigration be authorized to issue the child with a Kenyan passport.

(v) PNO and KNO be and are hereby appointed legal guardian of the child in case of incapacity of the Applicants before the Child attains the age of majority.

(vi) THAT the Consent of the biological parents is dispensed with since the child was found abandoned.

(vii) THAT date of the birth of the child is 10.9.2015

(viii) THAT Guardian Ad Litem be and is hereby discharged.

DELIVERED, SIGNED AND DATED IN OPEN COURT THIS 12TH DAY OF JULY, 2019.

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JUDGE OF THE HIGH COURT OF KENYA, NAIROBI