



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT KITUI**  
**ADOPTION CAUSE NO. 12 OF 2018**  
**IN THE MATTER OF BABY TA**  
**ON APPLICATION FOR AN ADOPTION ORDER**

**AND**

**AMM )**

**CMM ).....APPLICANTS**

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

1. By way of Originating Summons dated **10<sup>th</sup> September, 2018**, the Applicants seek to adopt **Baby T. A.** to be known as **T. L.** and **AJM** be appointed as the Legal Guardian.
2. The Applicants are adults above the age of **25 years** and below the age of **65 years**. They are in a monogamous marriage and have been blessed with a 20 years old son who has consented to the adoption.
3. The subject child was presumably born on the **18<sup>th</sup> February, 2017**. **WW**, her biological mother attempted to abandon her but her efforts were thwarted. She was arrested by police officers from **Nakuru Police Station** and reunited with the child but since she decided not to keep her, she did surrender her on the **20<sup>th</sup> February, 2017**.
4. The child was placed under the custody of **African Gospel Church Baby Centre – Nakuru** and committed for Care and Protection by the **Nakuru Children Court** on the **9<sup>th</sup> March, 2017** to the same centre. Thereafter, the Children Home made effort to trace the biological mother of the child in vain. This resulted into the minor being freed for adoption by the Kenya Children Homes Adoption Society pursuant to **Certificate Serial No. 1439**.
5. The Applicants are seized of parental skills having gained experience from parenting their own son.
6. **Ms. Jacinta Mwinzi**, a Children Officer of the Directorate of Children Services conducted a home visit. Per her observation the Applicants are financially capable of providing for the child with whom they have bonded and have the support of their extended family.
7. A Guardian Ad litem was appointed by this Court. She filed a report confirming the applicants' suitability to adopt the child and **AJM**, the Applicant's nephew has consented to be the Legal Guardian of the child.
8. This being a matter concerning a child, of utmost importance is her welfare, therefore, whatever order is made must be in her best interest. The biological mother of the child at the outset abandoned her and after her arrest she declined to take the child. The matter was booked in Occurrence Book Entry No. **50** of the **19<sup>th</sup> day of February, 2017**. She signed a written consent indicating that she was handing over the child to **A.G.C. Baby Centre** on her free will as she was not in a position to take care of her. By then, the baby was two (2) days old.
9. The child having been abandoned by her biological mother and having not been claimed to date, it will be in her best interest to live with her adoptive parents.
10. In the result, I am satisfied that the legal requirements for local adoption have been met and I order as follows:
  - (i) The Applicants be and are allowed to adopt **Baby T. A.** who shall henceforth be known as **TL**.
  - (ii) **AJM** is appointed as her legal guardian.

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

(iv) The Guardian Ad litem is hereby discharged.

11. It is so ordered.

**Dated, Signed and Delivered at Kitui this 19<sup>th</sup> day of November, 2019.**

**L. N. MUTENDE**

**JUDGE**