



KTL.NO.274/18

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KITUI

ADOPTION CAUSE NO. 1 OF 2016

IN THE MATTER OF BABY S

ON APPLICATION FOR AN ADOPTION ORDER

P M M)

N K M).....APPLICANTS

VERSUS

S.....MINOR

J U D G M E N T

1. By way of Originating Summons, **PM M** and **N K M** seek authority to adopt **Baby S** (subject child) whose adoptive name should be **M P**. The infant of the male sex was born on the **24th October** and abandoned in **Mathare Slums, Nairobi**. Following the abandonment he was placed under the care of **Missionaries of Charity** pursuant to a Court Order.

2. The subject child was declared free for adoption by the **Kenya Children's Home Adoption Society** and issued a **Certificate No. xxxx** on the **13th April, 2010**. The subject child was released to the Applicants for fostering on **7th July** the year **2010** and he has bonded with their two (2) adult daughters.

3. Pursuant to the Court Order, the Director of Children Services carried out a social inquiry and filed a report where she recommended the adoption sought on grounds that the Applicants have the ability to take up parental responsibility and custody of the child. That it will be in the best interest of the child to be adopted as he needs warm and caring environment for proper development socially, mentally and physically.

4. Looking at the background of the Prospective Adoptive Parents, they meet the criteria of adopting the child as they are adults below the age of **65 years**. They have been in continuous case of the child for over **three (3) months** and are in good health. They have their own biological children that they have raised and educated therefore persons who value education. Their desire for the subject child cannot be underscored. Their eldest daughter **E M M** who has bonded with the child has offered to be his Legal Guardian. It will be in the best interest of the child to be adopted by the Applicants.

5. In the premises I do order as follows:

(i) The Applicants be and are hereby authorized to adopt **Baby S** who will henceforth be known as **M P**.

(ii) The subject child's date of birth shall be **24th October, 2008** and its place of birth shall be **Kitui**.

(iii) **E M M** be and is hereby appointed as the Legal Guardian of the subject child.

(iv) The Registrar General shall enter this order in the Adoption Register.

(v) The guardian ad litem is hereby discharged.

6. It is so ordered.

Dated, Signed and Delivered at Kitui this 1st day of February, 2018.

L. N. MUTENDE

JUDGE