

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KITUI

ADOPTION CAUSE NO. 1 OF 2017

IN THE MATTER OF BABY S A.K.A. M M

ON APPLICATION FOR AN ADOPTION ORDER

AND

P M M)

C N M).....APPLICANTS

J U D G M E N T

1. The Applicants approached this Court by way of Originating Summons seeking authority to adopt **Baby S a.k.a. M M** to be known as **M M M** and **R M M** to be appointed as the Legal Guardian of the child.

2. The Applicants are adults above the age of **21 years** but below **65 years**. They married under the **African Christian Marriage and Divorce Act**, and have been blessed with a biological daughter who is in standard 5.

3. The subject child was abandoned along **Karen Road**. The case was reported to **Karen Police Station**. He was placed at **Nyumbani Children Home** and subsequently admitted at **Thomas Barnado House**. On the **19th December, 2014**, the child was committed at **Thomas Barnado House** by the **Nairobi Children Court**. He was declared free for adoption on the **22nd April, 2015** and a Certificate No. **[Particulars withheld]** issued. The child was placed with the prospective adoptive parents on the **15th day of December, 2015** who have fostered him todate.

4. Following a Court order, **Jacinta Mwinzi**, the Children Officer, Kitui made a home visit and filed a report where she opined that the Applicants have the ability to take up parental responsibility and the custody of the child.

5. I have considered the averments on record. The Applicants have previously adopted a daughter who has bonded with the minor. It has been established that they are capable of adequately providing for the child which is in his best interest.

6. In the premises I make orders thus:

- (i) The Applicants be and are hereby allowed to adopt **Baby S a.k.a. M M** who shall forthwith be known as **M M M**.
- (ii) **R M M** is appointed as the Legal Guardian of the child.
- (iii) The Registrar General shall make an entry of this order in the Adoption Register.
- (iv) The guardian ad litem is discharged.

7. It is so ordered.

Dated, Signed and Delivered at Kitui this 19th day of September, 2018.

L. N. MUTENDE

JUDGE