



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT KITUI**  
**ADOPTION CAUSE NO. 6 OF 2016**  
**IN THE MATTER OF BABY LJ**  
**ON APPLICATION FOR AN ADOPTION ORDER**  
**AND**

DKM )

CMK ).....APPLICANTS

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

1. **DKM** and **CMK**, the Applicants herein by way of Originating Summons seek to adopt **Baby LJ** and should the prayer be granted, to be known as **LNK**, and that **MMM** be appointed as the Legal Guardian of the child.
2. The Applicants are adults above the age of **21 years** but below the age of **65 years**. The 1<sup>st</sup> Applicant is a Principal at [**particulars withheld**] **Boys School** while the 2<sup>nd</sup> Applicant who trained in secretarial duties is currently a [**particulars withheld**] for Kyuso. They got married in 2001 under the Christian Marriage Act. They have a residential home at [**particulars withheld**] **Village, Gai Sub-Location Kyuso**. They have a net income of approximately **Kshs. 63,000/=** per month. They own a plot within Kyuso Town and fifteen (15) acres of land therefore have the financial ability to raise a child.
3. The subject child who is presumed to have been born on the 1<sup>st</sup> day of **October, 2013** was rescued from people suspected to have stolen him in **Juba, Sudan**. He was handed over to **Victorious Medical Clinic** where he underwent medical examination then following investigations carried out he was flown back to Kenya for proper care and protection. Subsequently he was transferred to **Thomas Bernardo House** on the **31<sup>st</sup> October, 2014** where he was admitted. The matter was reported to **Lang'ata Police Station** in the Occurrence Book Number [**particulars withheld**]/21/11/2014. Thereafter he was committed to the **Thomas Bernardo House** for care and protection by the Nairobi Children Court (**P & C Case No. 298 of 2014**).
4. The subject child was freed for adoption by the Kenya Children's Home Adoption Society on the **16<sup>th</sup> June, 2015** per the Certificate Serial No. [**particulars withheld**] that was issued pursuant to **Section 156(1)** of the **Children Act, 2001**.
5. The Adoption Society filed a report recommending the Applicants to be favoured by adoption orders sought as through fostering they have proved to be capable of caring for the child. **Mrs. Jacinta Mwinzi**, Children Officer, Kitui representing the Department of Children Services filed a report dated the **17<sup>th</sup> April, 2018** stating that the Applicants meet the adoption requirements for local adoption per the **Children Act**. She found them to be seized of the ability to take up parental responsibility and custody of the child.
6. The guardian ad litem did discharge his responsibility. The proposed Legal Guardian consented to act as such. He is a brother to the 1<sup>st</sup> Applicant, this Court examined him and established his willingness to support the child in case of any eventuality and generally the obligation he will undertake.
7. From the foregoing I find that considering circumstances in which the child was found, the consent of his biological parent is not necessary and it will be in the best interest of the child to be adopted by the Applicants.
8. In the result, I make orders thus:

(i) The Applicants be and are hereby authorized to adopt the subject child who shall henceforth be known as **LNK**.

(ii) **MMM** is appointed as the Legal Guardian of the child.

(iii) The Registrar General shall enter the order in the Adopted Children's Register.

(iv) The Guardian ad litem is hereby discharged.

9. It is so ordered.

**Dated, Signed and Delivered at Kitui this 21<sup>st</sup> day of November, 2018.**

**L. N. MUTENDE**

**JUDGE**