



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MACHAKOS

ADOPTION CAUSE NO. 6 OF 2018

IN THE MATTER OF BABY L B

ON APPLICATION FOR AN ADOPTION ORDER

RULING

1. This application is brought by way of Originating Summons dated 28th March, 2018. The Applicant E M K through her advocates Janet, Jackson & Susan LLP Advocates seek the following orders:

1. **THAT** the requirements of Section 158(4) (a) of the Children's Act be waived as provided for by Section 159(I) of the Act.
2. **THAT** M M M in the said Republic be appointed Guardian ad Litem in this case.
3. **THAT** the Applicant be authorized to adopt baby L B and the baby be known as P T L M.
4. **THAT** J M M be appointed Legal Guardian of the child.
5. **THAT** the Director of Children's Department do investigate the case and file a report.
6. **THAT** it is directed that the Registrar-General shall make in the adopted Children's Register an entry recording the adoption in accordance with the particulars set out in the Schedule attached hereto.

2. In the preliminary stage, prayer 2 and 5 were granted by the court.

3. The Applicant **E M K** is a resident of Machakos County. She has never been married because according to her she has never met the right man. She was appointed the [particulars withheld] Officer in Charge of Machakos Mwala and Kalama. She has one daughter, J M

4. The daughter of the Applicant, **J M M** swore affidavits dated 27th March 2018 to confirm consent to act as Legal Guardian and that she has no objection to the Applicant adopting Baby L B.

5. Baby **L B** was abandoned by the mother at Tuskys Supermarket, Athi River and rescued by a good samaritan. The minor has been under the care and control of the Mahali Pa Maisha after committal issued by the Mavoko Law Court on 12th April, 2017.

6. On 15th November 2017, Baby L B was declared free for adoption and was placed in the care of the applicant from the said date.

7. On 8th May, 2018 this Court directed the Director of Children Services Machakos to conduct investigations as to the suitability of the Applicant to adopt **Baby L B** and submit a report and findings to Court.

8. Samuel Ochieng, is the County Principal Children's Officer. He conducted a Social Inquiry on the Applicant by visiting and interrogating her at her home on 4th June, 2018. It was observed that the Applicant has taken care of baby **L B** since 19th November, 2017, thus has demonstrated ability to maintain baby **L B**. On 22nd June, 2018, Samuel Ochieng, the County Principal Children's Officer, Machakos County filed a favourable report as to the suitability of the Applicant to adopt baby **L B**.

9. On 31st July, 2018, Japhet Katelo, a children Social worker appeared in court to recommend the applicant's application. Samuel Ochieng also appeared on the said date and confirmed suitability of the applicant to adopt Baby L B. **M M M** and **J M M** appeared before me to confirm the contents of their affidavits on 31st July, 2018 and their willingness to take up their duties as well as recommend the applicant to

adopt baby **L B**.

10. Upon reading the above report and satisfying myself that all the legal requirements have been adhered, this court is satisfied that the Applicant is a suitable person to adopt Baby **L B** and that she is financially stable and has the means to provide and care for him. The baby has bonded well with the applicant as confirmed by the several reports.

For the above reasons, the Court orders as follows;

1. **THAT the Applicant E M K be and is hereby authorized to adopt Baby L B to be known as P T L M.**

2. **THAT M M M be and is hereby appointed Legal Guardian of the minor.**

3. **THAT the Registrar-General do make in the Adopted Children Register an entry recording the adoption in accordance with the particulars set out in the Schedule to this order.**

Dated and delivered at Machakos this 8th day of November, 2018.

D.K. KEMEI

JUDGE