

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO.295 OF 2015

IN THE MATTER OF THE CHILDREN ACT NUMBER 8 OF 2001

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY *M B* alias UNKNOWN
BABY (MINOR)

S M M.....1ST APPLICANT

C W2ND APPLICANT

JUDGMENT

1. The applicants *S M M* and *C W* are seeking to be authorized to adopt baby *M B* alias *unknown baby*. They also seek that upon making the adoption the child be called *L M B M M*. They also seek that the 1st applicant's younger brother *M M M* and his wife *A K M* be appointed the legal guardians of the child.
2. The applicants are both Kenyan citizens aged 40 and 41 years respectively. The parties have been married for 5 years. The 1st applicant is self-employed trading as [particulars withheld] while the 2nd applicant is a banker by profession working with [particulars withheld] bank of Kenya. The couple lives in a comfortable home suitable for raising a child. They are financially able to provide for a child. They are emotionally and physically fit and healthy to parent the child.
3. Baby *M B* was found abandoned at Muslim area near Rise and Shine by a good Samaritan who reported the matter to Muthangari police Station vide OB no. OB. [particulars withheld]. The child was admitted at House of Charity Children's home on 23rd March 2014 pending police investigations. Upon completing their investigations the Police vide their letter dated 23rd October 2014 informed the home that no relatives of the child had been traced. On 21st January 2015 the child was committed to the House of Charity Children's Home by Senior resident Magistrate Court at Nairobi as a child in need of care and protection under Care and protection no. 9 of 2015. The child was declared free for adoption by the Little Angels Network on 27th March 2015 and issued with a certificate declaring a child free for adoption no.001625. The child was placed with the applicants for the mandatory bonding period and they have been in custody of the child since then.
4. The Department of Children's Services filed their report on 2nd November 2016. The director observed that the couple had bonded well with the child, they are sociable and financially able to take care of the child. The applicants have no criminal report as they have been issued with good conduct certificate. The investigator recommends the adoption as the applicants have met the legal requirements as provided under the Children Act. The guardian ad litem report was filed on 2nd November 2016 and is favorable applicants to be allowed to adopt baby Maurice Bigion.
5. After considering the report and interviewing the applicants in court, this court finds that it would be in the best interest for the child to be adopted by the applicants. This is a local adoption and the applicants have met the legal provisions as enumerated in the Children Act 2001. The Applicants *S M M and C W* are hereby allowed to adopt baby *M B* and he shall henceforth be called *L M B M M*. The 1st applicant's younger brother *M M M* and *his wife A K M* shall be the legal Guardian of the child should misfortune befall the applicant. I allow the application for adoption. I direct the Registrar General to enter this order in the adoption register. The child was born in Kenya and is therefore a Kenyan by birth and is entitled to all the rights that accrue to Kenyan citizens under the Kenya Constitution 2010 and the Kenya citizenship

and Immigration Act. I hereby discharge the Guardian ad litem. It is so ordered.

Dated Signed and delivered this **16th Day of March** 2017.

R. E. OUGO

JUDGE

In the presence of:

Absent.....For the Applicants

Ms. Charity

Court Clerk