



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI
ADOPTION CAUSE NO. 276 OF 2013 (OS)
IN THE MATTER OF THE CHILDREN'S ACT NO. 8 OF 2001
IN THE MATTER OF ADOPTION OF BABY S K/K W M
BY
P M K AND J O N (APPLICANTS)

JUDGMENT

1. The Applicants P M K and J O N, are in a monogamous marriage which was solemnized at the Consolata Shrine Nairobi on 9th August 2002. They have no child of their own. They wish to adopt the child known as Baby S K a minor of female sex. They indicate that P M K is a businessman while J O N is a *[particulars withheld]* at *[particulars withheld]* Hospital. They reside in Muthiga, Kinoo town and are both Christians of the Catholic church.
2. The child who is the subject of this adoption proceedings, according to a letter dated 25th March 2013 from the Officer Commanding Kiganjo Police Station, was found abandoned at *[particulars withheld]*, Kaburu location by the Assistant Chief of that area. She was approximately three months old. On 7th September 2012, the child was handed over to New Life Home Trust by the Chief. The matter was recorded at Kiganjo Police Station and an entry was made to that effect vide OB 14/20/9/2012.
3. On 21st September, 2012, the child was later officially committed to New Life Home Trust by the Senior Resident Magistrate at the Children's Court Nyeri, vide P&C Case No. 101/12. Investigations indicate that the biological parents of the child were not traced nor did anyone come forward to claim the child.
4. The child was declared free for adoption on 12th April 2013 by the Buckner Kenya Adoption Services vide certificate No. *[particulars withheld]*. She was released into the custody of the Applicants for mandatory foster care pending adoption on 16th April 2013. Since then she has been in the continuous custody and care of the Applicants. Prior to the hearing of the adoption application, Buckner Kenya Adoption Services, an adoption society, prepared and filed a report in court.
5. The Adoption Society, guardian ad litem and the Director of Children's Services have all made home visits and established that the Applicants are financially and emotionally capable of providing for the up keep and education of the child. The Director of Children's Services had pointed out that the notification of marriage was filed instead of the certificate of marriage, but the error was rectified.

6. The Director of Children’s Services also filed a report dated 24th October 2014 recommending the adoption for reasons that the child stands to gain from the opportunities provided by becoming the daughter of the Applicants as opposed to living all her life in an institution. The guardian ad litem, M/s. M M M also filed a report that was favourable and recommended the adoption of the child by the Applicants.

7. The child was in court during the hearing and appeared to have bonded well with the Applicants. She was jovial and clearly considered the Applicants as her parents. Both extended families of P M K and J O N support the adoption.

8. After a careful assessment of the reports filed herein and from the observation of the interaction of the Applicants and the child during the hearing, this court has formed the opinion that it would be in the best interest of the child to be adopted by the Applicants. In the premise I allow the prayers sought in the Originating Summons dated 6th November 2013 and order as follows:

- i. The Applicants, P M K and J O N are hereby allowed to adopt baby S K who shall henceforth be known as K W M.
- ii. Her date of birth shall be presumed to be 29th May 2012. She is presumed to have been born in Kenya and the place of birth shall be Kaburu location, Nyeri.
- iii. C K (niece to the male Applicant), is hereby appointed legal guardian of the child in the event that the Applicants die or are incapacitated by ill-health.
- iv. I direct the Registrar General to enter this order in the Adoption Register.
- v. The guardian ad litem is hereby discharged.

It is so ordered.

SIGNED DATED and DELIVERED in open court this **8th day** of **May 2015**.

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L. A. ACHODE

JUDGE

In the presence ofAdvocate for the Petitioner

In the presence ofAdvocate for the Respondent