



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU
ADOPTION CAUSE NO. 29 OF 2013
IN THE MATTER OF BABY J M *a.k.a.* J
M M.....INFANT

AND

SMG

ANK.....APPLICANTS

RULING

1. The Application is brought by way of Originating Summons and is dated the 24th day of June, 2013. The Applicants SMG and ANK seek the following orders;

- (a) That this court give authority to adopt the baby JM (hereinafter referred to as Baby J).
- (b) That CWW be appointed guardian *ad litem* and;
- (c) That the County Director Children's Services, Nakuru do conduct investigations as to the suitability of the applicants to adopt baby J.
- (d) That the consent of biological parents of baby JM be dispensed with since the child was abandoned so soon after birth.
- (e) That the Registrar-General do make the appropriate entries in the adopted Children's Register in respect of baby JM.
- (f) That the court do issue such other orders as may be necessary in the best interest of the child.
- (g) That the costs be in the cause.

2. On 7th October, 2010 Baby J was abandoned by the mother at birth at Mbagathi District Hospital. The matter was reported at Kenyatta Hospital Police Post where the same was recorded vide Occurrence Book No.8/29/10/10. On the 7th day of December, 2010, Baby JM was admitted to [particulars withheld] House as an abandoned child in need of care and protection. On 21st February, 2011 through the Senior

Resident Magistrate Children's Court, Nairobi, the Baby JM was committed to the same institution under Care and Protection and Care Case No.25 of 2011 and he was declared free for adoption on the 9th June, 2011 under **Section 159(1)(a)(i)** of the **Children Act 2001** and freeing certificate Serial Number 669 was issued by the Kenya Children's Homes Adoption Society.

3. By a court order dated 3rd April, 2014 C W W was appointed the *guardian ad litem* and the County Director, Children's Services, after visiting and interrogating the Applicants filed a favourable Home Visit Report in court on the 18th June, 2014 on the Applicants' suitability to adopt Baby JM.

4. Upon reading the above report, this court satisfying itself that all the legal requirements have been adhered to and also after observing the applicants demeanor in court at the hearing hereof, this court is satisfied that the applicants are suitable persons to adopt Baby JM and that they are also financially stable and have the means to provide and care for him.

5. The application for the adoption of Baby JM is hereby allowed.

6. The applicants are hereby allowed to adopt Baby JM. He shall be known as J M M.

7. The Registrar General is hereby directed to enter this adoption order in the Adoption Register.

8. The Registrar of Births and Deaths is hereby directed to issue a Certificate of Birth in the name of J M M.

9. The Guardian *ad Litem* is hereby discharged and she is hereby appointed Legal Guardian until Baby JM attains the age of eighteen (18) years, in case of any eventualities that may befall the applicants.

Orders Accordingly.

Dated, Signed and Delivered at Nakuru this 17th day of July, 2015

A. MSHILA

JUDGE