



**REPUBLIC OF KENYA**

**High Court at Mombasa**

**Adoption Cause 2 of 2013**

**IN THE MATTER OF THE CHILDREN ACT  
(Act No. 8 of 2001)**

**AND**

**IN THE MATTER OF BABY N.P.M**

**APPLICANTS: C.A.L.H.C & A.C.C**

**JUDGMENT**

This is an Exparte Originating Summons application dated 11<sup>th</sup> January 2013 and filed on 23<sup>rd</sup> January 2013 and brought under Section 154, 156(1), 157(1), 158(1) (a) and 4(a), 159(4), (6), (7) and 8(a), 160(1), (2) and (4), 162, 163, 164(1) and 170 of the Children Act 2001 (Act No. 8 of 2001) and Section 24 of the Interpretation and General Provisions Act (Chapter 2 of the Laws of Kenya) and all other enabling provisions of the law.

It seeks for the Adoption of the child currently identified and known as BABY N.P.M. The baby was found abandoned by an unknown person at Kakamega Provincial General Hospital Pharmacy on 17<sup>th</sup> March 2010. The matter was reported to police at Kakamega Police Station vide OB No. 43/17/03/2010.

Child was admitted at Kakamega Provincial Hospital for medical care. The baby was discharged from the Hospital into the Legal custody of New Life Home Trust – Kisumu on 21<sup>st</sup> May 2010. Later, presented before Kakamega Children's Court for committal into custody of New Life Trust on 18<sup>th</sup> June 2010. Committal granted for 8 years. The child remains unclaimed todate.

The case committee of Little Angels Network as prescribed by Regulation 16 of the Adoption Regulations 2005 was satisfied the child was available for adoption and that this would be in the child's best interest.

A Certificate to declare the child free for adoption No. [.....] was later issued pursuant to Section 156(1) of the Children's Act. I have duly perused the reports of the Adoption Society which gives the history of the child as briefly captured above.

The report of the guardian Ad Litem Ms H.A.M dated 17<sup>th</sup> April 2013 and that of the Director Children's Services Department also filed on 17<sup>th</sup> April 2013.

All these reports are favourable for the adoption of the child. I am satisfied that the requirements for adoption of the child have been fully complied with.

The Applicants are authorized to adopt Baby N.P.M. The child will be renamed N.P.M.C.

Mr. R.F.C & Ms. M.P.W Van Diemen of (particulars withheld), the Netherlands are hereby appointed as the Legal guardians in respect of the child.

The Registrar General will make the appropriate entries in the adopted children Register.

**Judgement read and delivered in open Court this 6<sup>th</sup> day of May, 2013.**

**M. MUYA**  
**JUDGE**

**In the presence of:-**

Miss Kimenyi for the Applicants