



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAKURU**

**ADOPTION CAUSE NO. 30 OF 2015**

**IN THE MATTER OF L M M a.k.a. D M M.....MINOR**

**AND**

**M M**

**J S.....APPLICANTS**

**RULING**

The Application is brought by way of Originating Summons and is dated the 23<sup>rd</sup> day of June, 2015. The Applicants **MM** and **JS** seek the following orders:

1. Spent
2. Spent
3. That the Applicants be authorised to adopt **Baby LMM a.k.a. DMM** to be known as **JK**
4. That **B M S** of P. O. Box533- 30100, ELDORET be confirmed as the *Legal Guardian* of (MINOR) D M M until the child is the age of the majority.
5. That Registrar General do make the appropriate entries in the Adopted Children Register in respect of the minor herein and a Birth Certificate thereof do issue to reflect the same.
6. That the court does issue such other orders as may be necessary in the best interest of the child.
7. That the costs be in the cause.

The Applicants M M and J S (hereinafter the applicants) are husband and wife. They were married under Meru Customary Laws on 12th February, 2009. They then formalized their marriage at the Registrar General's Office at Eldoret on 24th October, 2014. Both of them do business together. They have acquired all their property together, grown spiritually and look forward to better days ahead. They are not blessed with a biological child of their own. They desired to be parents and hence opted for adoption.

They wish to adopt **Baby LMM a.k.a. DMM**. He was born on 23rd May 2014 at Murang'a District Hospital by E K N. On 16th May, 2014, the mother (E K N) approached the Kenya children's Homes Adoption Society with an intention to offer her then unborn child for adoption as she was a single mother with three other children and that she was not able to raise baby LMM a.k.a DMM. She was counseled

accordingly and affirmed that she had made up her mind about giving out baby **Baby LMM a.k.a. DMM** for adoption. She was also taken through the parent offering child for adoption process and affirmed that it was in the child's best interest to offer her then unborn child for adoption by signing the Certificate of Acknowledgment.

On 26th May, 2014 **Baby LMM a.k.a. DMM**. was admitted to Thomas Barnardo House, the Adoption Society's babies holding unit as a mother offer child for care and protection through the mother's consent dated 26th May, 2014. The institution offered all the immunizations and also monitored his health growth.

On 20th August, 2014 **Baby LMM a.k.a. DMM**. was legally committed to Thomas Barnardo House vide Nairobi Children's Court P & C No.228 of 2014. On 18th November, 2014 E K N (the biological mother who is still alive as at the date of this application) swore and signed the final affidavit consent for a parent offering child for adoption.

**Baby LMM a.k.a. DMM** has been living with the applicants since 19th December, 2015 and has bonded well with the family.

Prior to the hearing of the adoption, an officer from Nakuru County Children's Services filed a report in court together with a Certificate No.1185 issued pursuant to **Section 156(1)** of the **Children's Act 2001** by Kenya Children's Home Adoption Society declaring the child free for adoption dated 10th December, 2014.

The *Guardian ad Litem*, **B M S** of P. O. Box533-30100, ELDORET swore an affidavit confirming that the applicants are well known to him and that he understood his responsibility on the baby incase of incapacitation on the part of the applicants.

I have had occasion to consider the application and the relevant reports filed. All the reports are favourable in support of the applicants' prayer to adopt **Baby LMM a.k.a. DMM MWK**. They are in a stable union, they have the means and a conducive environment for the bringing up of the minor.

For the above reason, the Originating Summons on application for an adoption order dated 23rd day of June, 2015 is hereby allowed and the following orders granted:

- ii. The Applicants be authorised to adopt **Baby LMM a.k.a. DMM** to be known as **JK**
- iii. **B M S** of P. O. Box533-30100, ELDORET be confirmed as the *Legal Guardian* of (MINOR) D M M until the child is of the age of the majority.
- iv. The Registrar-General do make the appropriate entries in the Adopted Children Register in respect of the minor herein and a Birth Certificate thereof do issue to reflect the same.
- v. **Baby LMM a.k.a. DMM** be presumed Kenya Citizen.

**Dated, Signed and Delivered at Nakuru this 9th day of March, 2016**

**A. K. NDUNGU**

**JUDGE**



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