



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**MILIMANI LAW COURTS**  
**FAMILY DIVISION**  
**ADOPTION CAUSE NO. E080 OF 2021(OS)**  
**IN THE MATTER OF THE CHILDREN ACT, 2001**

**AND**

**IN THE MATTER OF CHILD JM**  
**IN THE MATTER OF AN APPLICATION FOR ADOPTION**

**BY**

DNK.....1<sup>ST</sup> APPLICANT

MGM.....2<sup>ND</sup> APPLICANT

**JUDGMENT**

1. The applicants DNK and MGM are a Kenyan couple aged 41 years and 41 years, respectively. Both applicants are parcel distributors at [Particulars withheld] in Germany. The couple solemnized their marriage on the 16<sup>th</sup> January 2010 at the Registrar's office at Nairobi County. They are blessed with two (3) children. The couple also seek to adopt the child's older sister YN vide E082 OF 2021. They filed this originating summons dated 8<sup>th</sup> July 2021 seeking to adopt Child JM.
2. This is a kinship adoption. Child JM was born on the 16<sup>th</sup> February 2006 to the late HMN at Victory Medical Centre within Nairobi County. The name of the father has not been disclosed in the certificate of birth. Upon the death of his mother on the 5<sup>th</sup> November 2013, his maternal grandmother took him in as his primary care giver and has since died on the 31<sup>st</sup> March 2021. The child currently lives in Kariobangi South with the 1<sup>st</sup> applicant's maternal mother. The 2<sup>nd</sup> applicant is his maternal aunt. The child has consented to the adoption. On 28<sup>th</sup> October 2020, the child was declared free for adoption and Certificate No. 1581 issued by the Kenya Children's Home Adoption Society.
3. On 4<sup>th</sup> November 2021 the court appointed AAS as the guardian *ad litem* and ordered her and the Director of Children Services to separately carry out a social inquiry on the applicants to determine their suitability to adopt the child. The two reports were filed. Both recommended the applicants to be allowed to adopt the child. The reports found that the applicants were socially, emotionally and financially stable and suitable to adopt the child. It was also found that the child had bonded well with them.
4. The court finds that it is in the best interest of the child to be adopted by the applicants. The applicants have demonstrated their capability to provide a conducive home and family environment in which the child will grow and develop. They will assume all parental rights and obligations of the biological parents of the child once adopted, and shall treat him as if he was born to them. They have been made aware that once the adoption order is made, it shall be final and binding during the lifetime of the child. The child shall have the right to inherit their property. The applicants shall not be able to give up the child owing to any subsequent unforeseen behaviour or other changes in the child. The consent of the mother of the child is hereby dispensed with as she was found abandoned.
5. Having been satisfied that all the legal requirements for a local adoption under the **Children Act** have been met, the following orders shall issue:-

a) the applicants DNK and MGM are hereby allowed to adopt Child JM.;

b) Child JM shall henceforth be known as JMK and his date of birth shall be 16<sup>th</sup> February 2006;

c) the child is Kenyan having been born to a Kenyan mother in Kenya;

d) AMK and VM are hereby appointed as the child's legal guardians in the event of the death or incapacity of the applicants before she is of full age and fully self-reliant;

e) the Registrar-General is directed to enter this adoption in the Adopted Children Register; and

f) the guardian *ad litem* is hereby discharged.

**DATED AND SIGNED THIS.....DAY OF MARCH 2022**

**A.O. MUCHELULE**

**JUDGE**

**DATED AND DELIVERED ELECTRONICALLY AT NAIROBI THIS 28<sup>TH</sup> DAY OF MARCH 2022**

**A.O. MUCHELULE**

**JUDGE**