



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI
FAMILY DIVISION
ADOPTION CAUSE NO. 30 OF 2020 (OS)
IN THE MATTER OF THE CHILDREN ACT, 2001
AND

IN THE MATTER OF AN APPLICATION FOR AN ADOPTION OF CHILD AM.

IN THE MATTER OF AN APPLICATION FOR ADOPTION BY

MMW.....1ST APPLICANT

RMM.....2ND APPLICANT

JUDGMENT

1. The applicants MMW and RMM are a Kenyan couple aged 46 and 37, respectively. They do business. They solemnized their marriage on the 5th July 2008 at Nairobi [Particulars withheld] Church. They have no child of their own. They live with their niece who is a minor. On 11th March 2020 they filed this originating summons dated 10th March 2020 seeking to adopt Child AM.

2. Child AM. was born on 4th February 2017 at Ponya Hospital in Nairobi to RW. RW then approached KKPI Adoption Society to give up the child for adoption on the ground that she did not have the financial ability to support the child. She signed the final consent on 18th April 2017. The child was on 31st May 2017 committed to New Life Home Trust by the Nairobi Children's Court vide **Care and Protection Cause No. 234 of 2017**. On 31st May 2017 the child was declared free for adoption vide certificate No. [xxxx] by KKPI Adoption Society. On 9th June 2017 the child was placed with the applicants for foster care. She has been with them since.

3. On 18th June 2020 the court appointed WN as the guardian *ad litem* and ordered her and the Director of Children Services to prepare and file the requisite reports within 45 days after carrying 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 the applicants.

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 her as if she 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.

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 MMW and RMM are hereby allowed to adopt Child AM;

b. Child AM shall henceforth be known as TRMM;

c. the child's date of birth shall be 4th February 2017, and is declared Kenyan citizen having been born to a Kenyan mother in Nairobi County in Kenya;

d. SOO and JKK 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 DELIVERED ELECTRONICALLY NAIROBI THIS 25TH MARCH 2021.

A.O. MUCHELULE

JUDGE