



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

FAMILY DIVISION

ADOPTION CAUSE NO. 95 OF 2019 (OS)

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF AN APPLICATION FOR AN ADOPTION OF BABY AN ALIAS AM ALIAS AN ALIAS AM

IN THE MATTER OF AN APPLICATION FOR ADOPTION BY

SNN.....1ST APPLICANT

LMN.....2ND APPLICANT

JUDGMENT

1. The applicants SNN and LMN are a Kenyan couple, aged 54 and 48 years, respectively. They run their own business. They have been living together since 1997, and solemnized their marriage on the 26th March 2010 at the Registrar's Office in Nairobi. The couple got a child who died. In 2016 they adopted a child who has supported this application. In this originating summons dated 26th January 2021 the applicants have sought to be allowed to adopt Baby AN alias AM alias AN alias AM.

2. Baby AN alias AM alias AN alias AM was according to the birth notification serial number [...] born on the 8th April 2015 to one RNG of ID Number [...] at Kerugoya District Hospital. On the 20th August 2015 the said RNG swore an affidavit consenting to release the child for adoption. She stated that she was not able to take care of the child and had been chased out of their home by her parents. On the 23rd of September 2015 a Children Officer's report was done requesting that the baby be placed at New Life Home Trust. On 10th February 2016 the child was formally committed to New Life Home by the Senior Resident Magistrate's Children's Court at Nairobi vide **Protection and Care Cause No. 10 of 2016**. The child was declared free for adoption by Change Trust Adoption Society vide Certificate Number [...] on 4th June 2016. On 23rd March 2018 the child was placed with the applicants for foster care. She has been with them since.

3. On 12th September 2019 the court appointed JWN 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 found that the child had bonded well with the applicant and the other members of the family.

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 SNN and LMN are hereby allowed to adopt Baby AN alias AM alias AN alias AM.;

b) Baby AN alias AM alias AN alias AM shall henceforth be known as AWN;

c) the child's date of birth shall be 8th April, 2015 and shall be presumed to be Kenyan citizen having been surrendered for adoption by a Kenyan mother at Kerugoya District Hospital in Kenya;

d) JNR is hereby appointed as the child's legal guardian 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;

f) the Director Immigration is directed to issue the child with a Kenyan passport; and

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

DATED AND DELIVERED AT NAIROBI THIS 15TH DAY OF APRIL 2021

A.O. MUCHELULE

JUDGE