



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KIAMBU

ADOPTION CASE NO. 31 OF 2018

IN THE MATTER OF ADOPTION OF BABY AG (THE CHILD)

BY

BMN.....1ST APPLICANT

PWM.....2ND APPLICANT

JUDGMENT

1. **BMN** and **PWN** (the applicants) have brought an application by Originating Summons dated 3rd December, 2018 seeking orders, inter alia, for adoption of Baby AG (the child).
2. By their affidavit, the applicants stated that the **Change Trust Adoption Society** provided them with the background of the child as follows: -
 - *The child was offered for adoption by her birth mother and her grandparents through Change Trust on 7th September, 2015 for the reasons that the child was a product of incestuous relationship and could not therefore live in the community he was born to.*
 - *The child was therefore referred to France Jones Dagoretti Children's Centre where the child was admitted for care and protection.*
 - *The children's court in Nairobi under Protection & Care Case No. 123 of 2016 committed the child into the custody of France Jones Dagoretti Children's Centre.*
 - *The child was declared free for adoption by Change Trust Adoption Society.*
3. The child was placed under the care of the applicants on 7th June, 2017. The applicants were married 11 years ago. They run their own business which enables them to provide for the needs of the child. They are both physically healthy and do not have a criminal record.
4. I have considered the guardian *ad litem's* report and that of Director, Children's Services Kikuyu Sub-County. Both reports highly recommend the applicants to be granted the prayers they seek. I have observed in particular that the children's officer's report noted that the applicants love the child, that the child has strong bond to the applicant, the child has now been under the care of the applicants for 5 years and that the applicants have fulfilled the requirements of the Children's Act in the present application.
5. I am satisfied that the applicants have met the parameters for the grant of adoption order. **Section 154** of the Children's Act vests the High Court with powers to make an adoption order. The child has been under the care of the applicants since the year 2017 and he does not know other parents since birth. The applicants have shown through their application that on the order for adoption being made, they shall assume all parental rights and duties of a biological parent over the child.
6. In view of the above, I am satisfied that the applicants have met the legal requirements for a local adoption and I therefore grant he following orders:-
 - (a) That the child is hereby presumed to be a Kenyan citizen by birth.
 - (b) That the applicants are hereby authorised to adopt Baby AG to be known as ANM.
 - (c) That SNN and NNN are hereby appointed as legal guardians of the child in the event of the death or incapacity of the applicants before the child is of full age and fully reliant.

(a) That the Registrar General is directed to enter in the adopted children register an entry recording this adoption.

JUDGMENT DATED AND DELIVERED AT KIAMBU THIS 23RD DAY OF JUNE, 2021.

MARY KASANGO

JUDGE

Coram:

Court Assistant ... Ndege

Applicant: N/A

COURT

Judgment delivered virtually.

MARY KASANGO

JUDGE