



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

FAMILY DIVISION

ADOPTION CAUSE NO. 126 OF 2019(OS)

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF CHILD T.K. alias T.K.

IN THE MATTER OF AN APPLICATION FOR ADOPTION BY

JK.....1ST APPLICANT

HW.....2ND APPLICANT

JUDGMENT

1. The applicants JK and HW are a couple aged 46 and 42, respectively. The 1st applicant is an accountant at [particulars withheld] while the 2nd applicant is a legal clerk at [particulars withheld]. They solemnized their marriage on 5th August 2006 vide marriage certificate number [...]. They do not have a child. They filed this originating summons dated 13th September 2019 seeking to adopt child TK. alias TK.

2. Child T.K. alias T.K. was born on 16th November 2016 to YWN and JML. The two did not have the financial and emotional means to take care of the child. They approached the Child Welfare Society with the intention of offering the child for adoption and signed a consent by way of an affidavit on 13th January 2017. The child was committed to Mama Ngina Kenyatta Children's Home on 14th June 2017 by Nairobi Children Court vide Protection and Care Cause No. 266/2017. The child was declared free for adoption by Kenya Children's Home Adoption Society and placed with the applicants on 3rd July 2017 for foster care. He has lived with the applicants since.

3. On 14th November 2019 the court appointed HNN as the guardian *ad litem* and ordered her and the Director of Children Services to each investigate the suitability of the applicants to adopt the child and file a report with 45 days. The Director of Children Services filed a report recommending the adoption. It was found that the applicants were financially, socially and emotionally fit and able to bring up the child. The child had bonded well with them.

4. I consider that it is in the best interest of the child to be adopted by the applicants. The applicants have demonstrated their ability 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 child's parents consented to the adoption.

5. Having been satisfied that all the conditions for a local adoption under the **Children Act** have been met, I make the following orders:-

- a) the applicants JK and HW are hereby allowed to adopt child TK. alias TK.;
- b) Child TK. alias TK. shall henceforth be known as NNK;
- c) the child's date of birth shall be 16th November 2016, and shall be presumed to be Kenyan having been born to Kenyan parents in Kenya;

d) HNM is hereby appointed to be the child's legal guardian in the event of death or incapacity of the applicants before he 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, following consent of the parties, at NAIROBI this 30TH day of APRIL 2020.

A.O. MUCHELULE

JUDGE