



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI LAW COURTS
FAMILY DIVISION
ADOPTION CAUSE NO. 4 OF 2019
IN THE MATTER OF THE CHILDREN ACT, 2001
AND
IN THE MATTER OF THE ADOPTION OF
BABY V. (CHILD)

BY

RNMJ.....APPLICANT

JUDGMENT

1. The applicant RNMJ is a single female who works in the United Kingdom. She is both Kenyan and British citizen. She has no child. She filed an application dated 24th January 2019 seeking to be allowed to adopt Baby V.
2. Baby V was born on 14th April 2018 at Mbagathi Hospital to PM. The child was conceived out of incest as the parents are cousins. The biological mother and her guardian MK both wrote to the Kenya Children's Home seeking to offer the child for adoption. On 8th February 2018 they both signed the certificate of acknowledgement of the explanatory memorandum with regards to adoption from the Kenya Children's Home. The child was placed at Kenya Children's Home on the same day and committed to the Children's Home vide **Protection and Care Cause No. 453 of 2018** on 8th August 2018 by the Children Court at Nairobi. The child was declared free for adoption under **section 156(1)** of the **Children's Act** by the Kenya Children's Home Adoption Society on 19th September and was placed under the care of the applicant for mandatory bonding prior to adoption and has been under the continuous care of the applicant since.
3. The court on 31st January 2019 appointed Prof. JKK as guardian *ad litem* and ordered that he files a report after carrying out a social inquiry on the applicant. A similar report was sought from the Director of Children Services. Both reports were duly filed, and each recommended that the applicant be allowed to adopt the child. It is evident that the Applicant has fulfilled all the legal requirements relative to the adoption of the child. The consent of the biological parents of the child was obtained. This Court is satisfied that the applicant is qualified and able to take care of the child. She has no criminal record and is of good health. The child has bonded well with the applicant and she is well looked after. The child considers the applicant her parent.
4. The court finds that it is in the best interests of the child to be adopted by the applicant. The applicant has demonstrated her ability to provide a conducive home and family environment in which the child will grow and develop. She 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 her. She has 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 her property. The applicant 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 applicant RNJM is hereby allowed to adopt Baby V.;
- b) Baby V. shall henceforth be known as TNM;

- c) MSM is hereby appointed to be the child's legal guardian in the event of death or incapacity of the applicant before she is of full age and fully self-reliant;
- d) the Registrar-General is directed to enter this adoption in the Adopted Children Register; and
- e) The guardian *ad litem* is hereby discharged.

DATED and DELIVERED at NAIROBI this 23rd day of MAY 2019.

A.O. MUCHELULE

JUDGE