



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**ADOPTION CAUSE NO. 82 OF 2018 (OS)**

**IN THE MATTER OF THE CHILDREN'S ACT NO. 8 OF 2001**

**AND**

**IN THE MATTER OF ADOPTION OF A CHILD JM**

**BY**

**JMK & MWW (APPLICANTS)**

**JUDGEMENT**

1. The Applicants, **JMK & MWW**, moved this court by way of an Originating Summons dated the 11<sup>th</sup> of June, 2018 and filed on the 25<sup>th</sup> of June 2018, seeking for orders that; -

- a. That the said applicants be authorised to adopt the child **JM** and upon such adoption the child's name be changed to **LKM**
- b. That the guardian ad litem be discharged and **JMK** and **BWG** be appointed as legal guardians.
- c. That the court declares the child's birthday to be 23<sup>rd</sup> September and place of birth as Meru Teaching and Referral hospital, Meru County.
- d. That the Registrar General do make the appropriate entries in the Adoption Register and do issue a certificate.

2. By a ruling dated 20<sup>th</sup> September, 2018 the court appointed **MMK** as guardian *ad litem* and required the said guardian *ad litem* and the Director of Children's Services Department to conduct a social enquiry on the Applicants' fitness and the prevailing circumstances as relates to this adoption and file their respective reports.

3. The necessary reports referred to in paragraph 2 above were filed in court on 12th and 15th February 2019 respectively. Both reports highly recommended the Applicants as suitable and fit persons to be considered for the adoption.

The court was informed that both the applicants are in business. And were at the time of writing the report 46 and 37 years of age respectively and are financially and physically able to take care of the child.

4. The applicants have been married to each other for 11 years but due to medical reasons have not been blessed with a child.

5. The child, **Baby JM**, is said to have been born on the 23rd of September, 2016 according to the notification of birth Number [xxxx] issued by Moi Teaching and Referral Hospital Imenti North. Though the biological mother's name is given as JM she is said to have absconded and left the child in hospital. Meaning that she abandoned the child at the facility. Thereafter the child was placed at Neema House infant Rescue Centre in Nanyuki and later committed to the home as a child in need of care and protection vide Case No. 26 of 2016 by the Meru Children's Court on 28th November, 2016.

6. The child herein was placed with the applicants on 13<sup>th</sup> June 2017, by Buckner Kenya Adoption Services. The child is said to have bonded well and is fond of the applicants.

7. The proposed legal guardians **JMK** and **BWG** are a sibling of the male applicant and sister in law respectively. Both have consented to being appointed as such and are ready to take up responsibility in the event the applicants are not there or are both incapacitated before the minor attains age of majority.

8. Against the above background I have formed the opinion that the Applicants herein, **JMK & MWW** are suitable and fit persons to adopt the child herein and that the said adoption is for the best interest of the child, who has found parents who have provide a home and the much-needed love, care and attention all children deserve.

The adoptive parents will take full responsibilities and obligation of parents towards the child who now becomes their full responsibility with all rights of a child under the law including the right to inherit the applicants.

9. On the other hand, the legal guardians will take full responsibility over the child should the applicants both die or get incapacitated before the minor is of full age.

10. Consequently, I make the following orders.

- a. That the Applicants **JMK & MWW** be and are hereby authorised to adopt baby **JM**
- b. That the child's name will upon this adoption be **LKM**.
- c. That **JMK** and **BWG** be and is hereby appointed as legal guardians of the child now to be known as **LKM**.
- d. The date of birth of the child is the 23<sup>rd</sup> of September 2016 and place of birth **Moi Teaching and Referral Hospital, Meru County**
- e. That the Registrar General do enter this adoption in the adoption register.
- f. The guardian *ad litem* be and is hereby discharged from the duties earlier conferred upon him by the court.

**SIGNED DATED and DELIVERED in court this 23<sup>rd</sup> day of Day of May, 2019.**

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**ALI-ARONI**

**JUDGE**

In the presence of:

Counsel for the Applicant.....