



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

**MILIMANI LAW COURTS**

**FAMILY DIVISION**

**ADOPTION CAUSE NO. 148 OF 2018 (OS)**

**IN THE MATTER OF THE CHILDREN ACT, 2001**

**AND**

**IN THE MATTER OF BABY BJ**

**IN THE MATTER OF AN APPLICATION FOR ADOPTION**

**BY**

**AWM.....1<sup>ST</sup> APPLICANT**

**YKM.....2<sup>ND</sup> APPLICANT**

**JUDGMENT**

1. The applicants AWM and YKM are a Kenyan couple, aged 36 and 35, respectively. The 1<sup>st</sup> applicant is a businessman while the 2<sup>nd</sup> applicant is a financial analyst at [particulars withheld]. The applicants were married under customary law in 2008. On 29<sup>th</sup> April 2015 they formalised the marriage at the Registrar's Office in Nairobi. They have one biological son JM born on 12<sup>th</sup> December 2012. They filed the originating summons dated 15<sup>th</sup> October 2019 seeking to adopt baby BJ.

2. Baby BJ was born on 22<sup>nd</sup> August 2017 at Nairobi Women's Hospital to RWB and NKW, a married couple. On 24<sup>th</sup> August 2017 the couple approached Little Angles network with the intention of giving up their child for adoption. Their reason for giving up the child was that they had two other children with the younger being two years old and were therefore not ready both socially and economically to take care of this child. They signed the consent order on 2<sup>nd</sup> November 2017. The baby was committed to New Life Home Trust pursuant to an order made by the Children's Court at Nairobi in Protection and Care Number [xxxx] and declared free for adoption vide certificate number [xxxx] on 3<sup>rd</sup> November 2017. He was on 11<sup>th</sup> May 2018 placed with the applicants for bonding.

3. On 31<sup>st</sup> January 2019 the court appointed LGN as the guardian *ad litem* and ordered him and the Director of Children Services to carry out a social inquiry to determine whether the applicants were suitable to adopt the child, and to file the respective reports within 45 days. The two reports were filed, each recommending the applicants 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 also found that the child and the applicants had bonded well.

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 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 parents of the child have consented to this adoption.

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 AWM and YKM are hereby allowed to adopt Baby BJ;

b) Baby BJ shall henceforth be known as NMW;

c) SM and PGM are hereby appointed to be the child's legal guardians in the event of death or incapacity of the applicants before he 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 29<sup>TH</sup> day of JULY 2019.**

**A.O. MUCHELULE**

**JUDGE**