



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**ADOPTION CAUSE NO. 46 OF 2018 (OS)**  
**IN THE MATTER OF THE CHILDREN'S ACT NO. 8 OF 2001**  
**AND**  
**IN THE MATTER OF ADOPTION OF SM**  
**BY**  
**BKK & HKG(APPLICANTS)**  
**JUDGEMENT**

1. Before court is an Originating Summons dated the 5<sup>th</sup> of April 2018, seeking for orders; -

- a. **That the applicants BKK & HKG** be authorised to adopt **BABY SM**.
- b. That upon adoption the child be known as **SMK**
- c. That the Registrar- General do make appropriate entries in the Adopted Children register.
- d. That **DG & AW** be appointed legal guardians in respect of **BABY SM**.

2. By a ruling dated 21<sup>st</sup> June, 2018 the court appointed

**BN** 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 relating to this adoption and file their respective reports.

3. The necessary reports referred to in paragraph 2 above were filed

in court on 10<sup>th</sup> of September 2018 and 16<sup>th</sup> October 2018 respectively. Both reports highly recommended the Applicants as suitable and fit persons to be considered for the adoption.

4. The court was informed that the 1st applicant is aged 46 years and is a businessman. Whereas the 2<sup>nd</sup> Applicant is 48 years and also in business. The parties contracted customary marriage in 1998 and are yet to get a child of their own.

5. It is the desire to have a child that drove to seek to adopt a child they can nurture, provide a home to and provide all the basic needs. The two have adequate income. They currently reside in Embakasi within Nairobi City which they own. They occupy three rooms. Part of the property is also rented out.

6. The child, **S** is presumed to have been born on the 1st of July 2012. She was abandoned at age 4 by her parents after a disagreement in Kiambu slams in a plot where the parents had moved into barely three weeks before the incident. A neighbour who discovered the child reported the matter to the police. A The child was committed to Imani Children's Home as a child in need of care and protection on 13<sup>th</sup> April 2017. She was declared free for adoption on the on the 15<sup>th</sup> of November 2017 after efforts to trace her parents were fruitless. The child was placed with the Applicants for foster care from the 19<sup>th</sup> of November 2017 pending formal adoption. The child is said to be healthy and jovial. She attends [Particulars Withheld] Primary School.

7. The proposed legal guardian **RNK & JWK**, 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, **BKK & HKG** meet the legal requirement necessary for an adoption order to issue. They are suitable and fit persons to adopt the child herein. The said adoption will be for the best interest of the child, who has found parents, who have provided a home and the much-needed love, care and attention he deserves.

9. The adoptive parents will henceforth rights 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.

10. On the other hand, the legal guardians will take full responsibility

over the child should the applicants both die or are incapacitated before the minor is of full age.

11. Consequently, I make the following orders.

**a. That the Applicants LBKK & HKG be and are hereby authorised to adopt Baby SM**

**b. That the child’s name will upon this adoption be SMK**

**a. That RNK & JWK be and are hereby appointed legal guardians of the child now to be known as SMK**

**c. That the Registrar General do enter this adoption in the adoption register.**

**d. The guardian *ad litem* be and is hereby discharged from the duties earlier conferred upon her by the court.**

**SIGNED DATED and DELIVERED in court this 28<sup>th</sup> day of Day of November, 2019.**

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**ALI-ARONI**

**JUDGE**

In the presence of:

Counsel for the Applicant.....