



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI LAW COURTS
FAMILY DIVISION
ADOPTION CAUSE NO. 55 OF 2017
IN THE MATTER OF THE CHILDREN ACT, 2001
AND
IN THE MATTER OF ADOPTION OF CHILD V.M.K.

AND
IN THE MATTER OF AN APPLICATION FOR ADOPTION BY

R M N1ST APPLICANT

F N M2ND APPLICANT

JUDGMENT

1. The applicants are a Kenyan couple, both aged 50. The 1st applicant is an electrician at the [particulars withheld] while the 2nd applicant is a business lady. They are married with four children. They filed this originating summons on 24th April 2017 seeking to be allowed to adopt a male child who is their grandchild.

2. The child V.M.K. was born on 9th April, 2010 to the late J K and the late A K at Pumwani Maternity Hospital. J was the daughter of the applicants. The child was rejected by its father's family. N N M is the applicant's son. He offered the child to the applicants for adoption. The child was declared free for adoption under **section 156(1)** of the **Children's Act** by Buckner Kenya Adoption Services on 18th January, 2017. He has been under the continuous care of the applicants since April, 2016 when his parents passed on.

3. The court on 17th October 2017 appointed B M M as guardian *ad litem* and ordered that he files a report after carrying out a social inquiry on the applicants. A similar report was sought from the Director of Children Services. Both reports were duly filed, and each recommended that 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 interests 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 borne of 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. This court dispenses with the consent of the child's biological parents as they are both deceased. The applicant's four children have all consented to the 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 R M N and F N M are hereby allowed to adopt child V.M.K.;
- b) child V.M.K. shall henceforth be known as V M M;
- c) the child's date of birth shall be 9th April, 2010, and shall be presumed Kenyan by birth having been born at Pumwani Maternity Hospital in Kenya;
- d) S N N and R N M are 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 SIGNED at NAIROBI this 6TH day of MARCH 2018.

A.O. MUCHELULE

JUDGE

DATED and DELIVERED at NAIROBI this 8TH day of MARCH 2018.

R.E. OUGO

JUDGE