



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 26 OF 2018 (OS)

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

IN THE MATTER OF ADOPTION OF BABY GIRL AKA B. B.

BY

Z. N. M. AND M. M. K. (APPLICANTS)

JUDGMENT

1. For hearing before court was an Originating Summons brought pursuant to **Sections 158, 159, 160, 163, 164 and 168** of the **Children's Act**, and **Sections 1A, 1B & 3A** of the **Civil Procedure Act**.
2. The proceedings herein relate to adoption of a child **B. B.** (name withheld) by a couple **Z. N. M.** (name withheld) and **M. M. K.** (name withheld). The couple seek to adopt **B. B.** an abandoned child. They also do desire that the child do acquire a new name **A.W.M.** (name withheld) upon adoption and such adoption be entered into the Register of Adoption. Lastly that one **E. N. G.** (name withheld) be appointed as a legal guardian to the child.
3. The Applicants **Z. N. M** and **M. M. K** are both adult Kenyan citizens who were married under Kikuyu Customary law in 2007. The couple do not have children of their own. They are business people who ran a number of (particulars withheld) in various parts of Nairobi and resides in Kahawa West in Nairobi.
4. The couple received the infant herein **B. B.** into their foster care from Child Welfare Society since 24th of February, 2014 and the child has remained with them since then.
5. The child **B. B.** was declared free for adoption on 7th July, 2014. The couple are desirous of adopting the child for the reason stated in paragraph 3 above.
6. In the process of these proceedings the court appointed **M. K. K.** (name withheld) as a guardian ad litem and required the said guardian ad litem together with the Director of Children's Services to each file a report. In a report dated 16th May, 2018 the guardian ad litem gave a background of the intended parents/applicants. She further informed the court that the Applicants had nursed the idea of adoption due to their inability to get their own child and their pleasure in caring for a child in need. She recommended the Applicants as fit to adopt. She noted further that on visitation she found that **B. B.** had settled in the intended home and had developed excellent relationship with the intended parents.
7. The Director of Children's Services report is dated the 27th of April 2018. It gives detailed particulars and background of the intended parents. It further confirms that **B. B.** was declared free for adoption by the Child Welfare Society on 7th July 2014. A visit by an officer from the organisation found the home environment conducive the child, has bonded well with the Applicants and is free with them. The couple is financially able to cater and to provide for the child, and will be able to discharge their parental responsibility. The Director recommended the adoption.
8. Against the above background this court has formed the opinion that it will be in the best interest of **B. B.** the child herein to have the Applicants **Z. N. M.** and **M. M. G.** adopt her. I also do find that the Applicants are fit persons, do have the ability to maintain and adopt **B. B.**
9. Consequently the Applicants **Z. N. M.** and **M. M. G.** be and are hereby authorised to adopt the infant who will assume a new name **A. W. M.** Secondly **E. N. G** of ID number [particulars withheld] be and is hereby appointed the legal guardian of **A. W. M.** The Registrar General is further directed to enter this adoption in the Register of Adoptions.

Costs in the cause.

DATED, SIGNED and DELIVERED at NAIROBI this 26th DAY OF September, 2018.

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ALI-ARONI

JUDGE

In the presence of:

Counsel for the Applicants.....