



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

FAMILY AND PROBATE DIVISION

ADOPTION CAUSE NO. 31 OF 2018

IN THE MATTER OF THE CHILDREN ACT

(ACT NO. 8 OF 2001)

AND

IN THE MATTER OF H.M.

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION

BY

P.V. and M.M.I. (APPLICANTS)

JUDGMENT

Background:

1. Before me is an application for adoption of a child **H.M.** (name withheld) by way of an Originating Summons, brought pursuant to **Sections 158,159,160,163, 164 and 169** of the Children's Act and **Sections 1A,1B & 3A** of the Civil Procedure Act.

The same was filed by **P.V** and **M.M.I** (names withheld), where the Applicants seek to adopt **H. M.** who is the biological child of **M.M.I** and upon adoption for the child to adopt the name **H.P.** They further seek that **N.S.M.** (name withheld) be appointed as a legal guardian to the child. Further that the Registrar General do make appropriate entries in the Adoption Register.

2. On the 12th of April 2013 the court appointed **J.N.M** (name withheld) as a guardian ad litem, and directed both the Director of the Children's Services Department in Nairobi and the said guardian ad litem to investigate the Applicants' fitness to adopt and file a report

Reports:

3. **Director of Children's Service Report**

In a report dated 27th June, 2018 Nyabuto Matundura a Principal Children's Officer had this to say; the Applicants are both Muslims and aged 51 and 27 years respectively. The intended adoptive father is an Italian citizen and works for the United Nations in DRC, whereas the second applicant is the biological mother of the child and is a student at a local university. The two were married in 2016. The couple have other children from the Adoptive father and a former wife.

The child was born in 2013 to its biological mother and the adoptive father since marrying the mother took up parental responsibilities. The child is loving, and has bonded well with the adoptive father and enjoys the company of the other children.

The officer recommended the adoption.

Guardian Ad litem's Report:

4. The Guardian ad litem filed a report dated 11th June 2018. The report equally gave details of the Applicants and the child. The report indicates that the child's biological father deserted the mother and the applicants since marriage have together taken parental responsibility of the child.

The Applicants are said to be experienced parents. Have strong Muslim background and have instilled Muslim values to their children. The parents live in Nyali Mombasa. The home is in a secure neighbourhood. They both believe that the adoption is for the interest of the minor so that she can enjoy benefits like their other children.

The guardian observed that the child was happy with the adoptive father and the two had bonded very well. The other children were also very happy with the subject. He reported that it is for the best interest of the child to be adopted as proposed.

5. Based on the above background the court has formed an opinion that the Applicants have met all the necessary legal requirements and that it will be in the best interest of the child to have the Applicants as her parents.

6. Consequently the court orders as follows:

- i) **P.V** and **M. M. I.** are hereby authorised to adopt **H M.** who will be renamed **H.P.**
- ii) The Registrar General do register the adoption and issue a certificate.
- iii) **N.I.M.** be and is hereby appointed as the Legal Guardian of **H.P.**
- iv) Costs in the cause.

SIGNED DATED and **DELIVERED** in open court this **26TH** day of September, **2018.**

.....

ALI-ARONI

JUDGE