



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI LAW COURTS
FAMILY DIVISION
ADOPTION CAUSE NO. 247 OF 2013
IN THE MATTER OF THE CHILDREN ACT 2001
AND
IN THE MATTER OF ADOPTION OF CHILD P M
AND
IN THE MATTER OF AN APPLICATION FOR ADOPTION BY

I K M.....1ST APPLICANT

N K.....2ND APPLICANT

JUDGMENT

1. The applicants are a Kenyan couple aged 58 and 47 respectively. The 1st applicant is a pastor at [particulars withheld] while the 2nd applicant is a teacher employed by the Teachers Service Commission currently stationed at [particulars withheld] Primary School. The 1st applicant filed the originating summons on 24th October 2013 seeking to be allowed to adopt a female child who was born on 31st October 2008. At the time of filing the summons, she was widowed and single. The 2nd applicant did not therefore take part in the adoption process, and neither did he give his consent to the application for adoption. The couple later got married in April 2016. By the time a judgment was delivered regarding her application to adopt the female child, she had married the 2nd applicant. It was for this reason that this court observed that it was important to know what the 2nd applicant thought about the adoption, whether he supported it, and what his adult children thought about the adoption. The court ordered that the application for adoption be amended to include the 2nd applicant, and that fresh social reports by the Director of Children Services and the guardian *ad litem* be filed to cover the fresh circumstances.
2. Through the amended summons dated 23rd April 2018 and filed on 2nd May 2018, the applicants jointly sought to adopt the female child in question. Fresh social reports were filed by the Director of Children Services and the guardian *ad litem*. Both reports 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.
3. I have looked at the amended summons and the reports filed. The 2nd applicant is fully in agreement with the adoption of the child in question. He confirmed that his adult children from his first marriage have approved the adoption, will treat the child as their sister and are willing to have her as their sister for life.
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 her as if she was borne 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. This court dispenses with the consent of the child's biological parents as the child was found abandoned.
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 I K M and N K are hereby allowed to adopt Child P M.;
- b. Child P M shall henceforth be known as B M K;
- c. the child's date of birth shall be 31st October 2008, and shall be presumed to be Kenyan by birth having been found abandoned in Kariobangi North in Kenya;
- d. A N and D N are hereby appointed to be the child's legal guardians in the event of death or incapacity of the applicant before she 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 22ND day of OCTOBER 2018

A.O. MUCHELULE

JUDGE

DATED and DELIVERED at NAIROBI this 25TH day of OCTOBER 2018

A.N. ONGERI

JUDGE