

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO.173 OF 2017

IN THE MATTER OF THE CHILDREN ACT NUMBER 8 OF 2001

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY BM

JK.....APPLICANT

JUDGMENT

The applicant **JK** is seeking to be authorized to adopt **baby BM** hereinafter referred to as the child. She seeks that upon making the adoption the child be called **KKK**. She also seeks that **FKK** be the Legal Guardian of the child in the event of death or incapacity of the applicant before she is of full age.

The applicant is a Kenyan citizen holder of Identification Card No. [particulars withheld]. The applicant has not been blessed a child of her own. She is single and her family is supportive of her application to adopt. She works for [particulars withheld] and owns two parcels of land and a house in Kajiado County she intends to use for the benefit of the child.

The child is said to have been born on 1st December 2016 to one MMW. The biological mother of the child approached Change Trust Adoption society on 2nd December 2016 and expressed her willingness to give the child up for adoption due to financial constraints and lack of family support. She stated that she is an orphan and her sister who lives in Uganda is not financially stable and is working towards support her education. She was counseled and explained to the implications of giving her baby up for adoption and signed the initial consent on 2/12/2016. The child was admitted to New Life Home Trust on 2nd December 2016. On 15th February 2017 **Baby MT** was committed for care and protection of new Life Home by the Children's Court at Nairobi as Care and protection No. 39 of 2017. On 1st February MWM signed the Legal Consent confirming that that baby MT can be offered for adoption. The child was declared free for adoption by Change Trust and issued with a certificate declaring a child free for adoption serial no. [Particulars withheld].

The Department of Children Services filed their report on 10th September 2018. The report recommends the local adoption as the officer observed that the applicant has fulfilled the legal requirements as provided under the **Children's Act 2001**. The applicant has bonded with the child, she is healthy and well taken care of. The society indicated that though the father of the child was Kenyan his details were not given and that though the biological mother was a student at the time of the birth of the child no date of birth was given. Attempts to contact the alleged biological parent was not fruitful as her phone number was out of service. They urged the court to summon the biological mother of the child to enable them make affair determination. The report found the applicant to be fit and capable of taking on parental responsibility and she is financially able to provide for the child. They indicate they would not have any objection towards the applicant adopting the child.

The guardian ad litem report was filed on 10th September 2018. The guardian ad litem recommends the adoption. The guardian ad litem observed that the applicant is stable and mature, She has been a good parent to the child relate well with the child and is able to provide the child with a loving safe and nurturing home. She and the child have bonded well.

This Court finds that it would be in the best interest of the child to be adopted by the applicant. I allow the application for adoption. The applicant **JK** is hereby allowed to adopt **Baby BM** and she shall henceforth be called **KKK**. **FKK** shall be the child's Legal Guardian in the event of death or incapacity of the applicants before he is of full age. I direct the Registrar General to enter this order in the adoption register. The child was born in Kenya and is therefore a Kenyan by birth and is entitled all the rights that accrue to Kenyan citizens under the Kenya Constitution 2010 and the Kenya citizenship and Immigration Act. I hereby discharge the Guardian ad litem. It is so order.

DELIVERED DATED & SIGNED IN OPEN COURT ON 20TH DAY OF DECEMBER 2018.

M.W.MUIGAI

JUDGE FAMILY DIVISION –HIGH COURT

IN THE PRESENCE OF;

MR. GITAU FOR THE APPLICANT

MS. KURIA FOR THE RESPONDENT