



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**ADOPTION CAUSE NO. 55 of 2018**

**IN THE MATTER OF THE CHILDREN ACT NO. 8 OF 2001**

**AND**

**IN THE MATTER OF APPLICATION FOR THE ADOPTION OF**

**BABY CMK (MINOR)**

**AND**

**ORIGINATING SUMMONS OF AN APPLICATION FOR AN ADOPTION ORDER**

**HKM.....1<sup>ST</sup> APPLICANT**

**CGK.....2<sup>ND</sup> APPLICANT**

**JUDGMENT**

1. The two Applicants in this case approached this Court by way of Originating Summons dated 30<sup>th</sup> April 2018 seeking the following orders;

***(i) THAT ANO of P.O BOX 438-00200 NAIROBI be appointed Guardian Ad Litem for Baby CMK in this cause.***

***(ii) THAT the Applicants CAO and HKM be authorized to adopt Baby CMK.***

***(iii) THAT upon adoption, the child be known as CMK and that the Registrar General be directed to enter this adoption into the Register of Adoptions.***

***(iv) THAT the Child shall be presumed to be a Kenyan Citizen and be accorded all rights of immigration that accrue to Kenya Citizens.***

2. The Applicants are a married couple who live in Nairobi. They got married on 8<sup>th</sup> March 2014 at [Particulars withheld] Baptist Church after cohabiting since 2010. The Applicants do not have any biological children.

3. The 1<sup>st</sup> Applicant is self-employed. He has his own agency known as [Particulars withheld]. The 2<sup>nd</sup> Applicant is a lawyer working with [Particulars withheld].

4. The child was born to the Applicant outside wedlock. The biological mother of the child gave her consent to give the child for adoption dated 15.2.2018.

5. The Child was born at Aga Khan Hospital on 26/12/2017 and was declared free for adoption on 22.2.2018. The child was placed under the care of the Applicants on 15.2.2018 and they have bonded well.

6. The Director of Children's Services investigated this matter and filed a report dated 22.8.2018. The Guardian ad Litem and Change Trust Adoption Society also filed reports dated 7.11.218 and 22/2/2018 respectively.

7. I have considered the Originating Summons dated 30.4.2018. I have also considered the Reports filed herein by the Director of Children's Services, the guardian ad litem and the Adoption Society.

8. The Subject of the application is the Child. Article 53 (2) of the Constitution of Kenya 2010 provides that;

***“A Child’s best interest are of paramount importance in every matter concerning the child.”***

9. This Court is satisfied that the Applicants have satisfied all the legal requirements for adoption under the Children Act Cap 141 Laws of Kenya and I find that the adoption is in the best interest of the Child.

10. The Consent of the Biological mother of the child was obtained in accordance with Section 158 of the Children Act.

11. The Court is satisfied that the applicants will provide the Child with the appropriate care and they understand that the adoption is permanent and that the child will inherit from them. The Court is therefore minded to make the following orders:

***a) THAT the Applicants be and are hereby authorized to adopt the child CM and call him CMK.***

***b) THAT the Registrar General be and is hereby directed to enter the Adoption order into the Register of Adoptions.***

***c) THAT the Child shall be presumed to be a Kenyan Citizen and to be accorded all the rights of immigration that accrue to Kenyan Citizens.***

***d) THAT GO and his wife RM be and are hereby appointed legal guardians of the Child.***

***e) THAT the guardian ad litem be and is hereby discharged.***

***Orders to issue accordingly.***

**DELIVERED, SIGNED AND DATED IN OPEN COURT THIS 18<sup>TH</sup>**

**DAY OF DECEMBER, 2018**

**ASENATH ONGERI**

**JUDGE OF THE HIGH COURT OF KENYA, NAIROBI**

**IN THE PRESENCE OF:**

**Applicants.**