

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO.133 OF 2016

IN THE MATTER OF THE CHILDREN ACT NUMBER 8 OF 2001

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY P J

MR. A M AND MRS R M O.....APPLICANTS

JUDGMENT

1. The applicants **A M** and **R M** are seeking to be authorized to adopt baby **P J**. They also seek that upon making the adoption the child be called **P J M**. They also seek that the 1st applicant's brother **D M N** be appointed the legal Guardian of the child.

2. A M and R M were born on 24th August 1970 and 7th September 1976 respectively. A works as a medical nurse in a hospital in [particulars withheld] while R works as a secretary in a law firm in Nairobi. A is divorced from his first wife and stays with his children who study and work in [particulars withheld]. He is constantly in touch with P and his mother and travels to Nairobi every 3 months. R is the child's biological mother, is in a marital relationship with A M, and has consented to the child being adopted by **A M A**.

3. Baby P was born by his mother on 5th May 2006 though she did not inform the father, as she did not know his whereabouts. R M connected with A M in the year 2009 and he took the role of a father and has raised P as his own since then.

4. The 2nd applicant is the child's biological mother and has in her consent dated 14th July 2016 consented to baby P J being adopted by A M A. The child was declared free for adoption by the Little Angels Network on 29th July 2016 and issued with a certificate declaring a child free for adoption No. 001767.

5. The Department of Children's Services filed their report on 7th February 2017. The investigator observed that the adoption involved close family relationships as the 2nd applicant is the biological mother of the child in the matter and the 1st applicant has taken care of the child in this matter since age of 2 years. The applicants are responsible, mature and emotionally capable of taking care of the child. Bonding has taken place between the minor and the father to be and he has already taken parental responsibility of the child since he got married to the 2nd applicant. The report recommends the adoption that since the 1st applicant married the child's mother on 21/5/2016 the child has not known any other father figure other than him.

6. The guardian ad litem report was filed on 30th November 2016. The reporter observes that the child has bonded with the father to be and with the 1st applicant's other children. The 1st and 2nd applicants are married and hence this is a family adoption. Rose and Anthony are the only parents the child has known since birth and 2 years respectively. The report recommends the adoption.

7. This court finds that it would be in the best interest of the child to be adopted by the applicant. The applicants **A M** and **R M** are hereby allowed to adopt **baby P J**. He shall henceforth be called **P J M**. The 1st applicant's brother **D M N** shall be the legal Guardian of the child should misfortune befall the applicants. I allow the application for adoption. I direct the Registrar General to enter this order in the adoption register. The child was born in Kenya, 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.

Dated Signed and delivered this **30th** Day of **March** 2017.

R. E. OUGO

JUDGE

In the presence of:

Mr. Orango holding brief Mr. Odhiambo For the Applicants

Ms. Charity **Court Clerk**