



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
ADOPTION CAUSE NO. 9 OF 2015 (OS)
IN THE MATTER OF THE CHILDREN'S ACT NO. 8 OF 2001
IN THE MATTER OF ADOPTION OF BABY A J M

BY

M T AND H W M (APPLICANTS)

JUDGMENT

1. The Applicants M T and H W M, are in a monogamous marriage which was solemnized at [Particulars Withheld] Parish, Nyeri on 21st October 1993. They have one daughter N M aged 23 years. They wish to adopt the child known as Baby A J a minor of male sex through the Originating Summons dated 7th January, 2015. They indicate that M T is a business man while H W M, is a civil servant with Ministry of Information. They reside in Ruiru, Kimbo area and are both Christians subscribing to the PCEA Church.
2. The child, who is the subject of these adoption proceedings, was born on 30th August 2013 to W M a biological daughter to the Applicants. After his birth, the mother developed post natal depression which culminated in her death on 8th October, 2013. The deceased died without revealing who the child's biological father was. At the time of death, W was a university student living with her parents. The child has thus been living with the Applicants since birth
3. The child was declared free for adoption on 13th August 2014 by the Kenya Children's Home Adoption Society vide certificate No.[Particulars Withheld]. The child has been in the continuous care of the Applicants since birth. Prior to the hearing of the adoption application, Kenya Children's Home, an adoption society, prepared and filed a report in court.
4. The Adoption Society, guardian ad litem and the Director of Children's Services have all made home visits and established that the Applicants are financially and emotionally capable of providing for the up keep and education of the child.
5. The Director of Children's Services also filed a report dated 24th September 2015 recommending the adoption for reasons that the child stands to have the opportunities provided by becoming the son of the Applicants. The guardian ad litem, Mr. John Gichohi Gakuo also filed a report that was favourable and recommended the adoption of the child by the Applicants.
6. The child was in court during the hearing and appeared to have bonded well with the Applicants. He was jovial and related well with the Applicants. The Applicants' daughter N M supports the adoption. She revealed that her parents involved her in this adoption process and that she fully

supports it since the child's biological mother who was her sister died and nobody knows who his biological father is.

7. After a careful assessment of the reports filed herein and from the observation of the interaction of the Applicants and the child during the hearing, the court finds that this is a straight forward kinship adoption and is of the opinion that it would be in the best interest of the child to be adopted by the Applicants. Reasons wherefore I allow the prayers sought in the Originating Summons dated 7th January, 2015 and order as follows:
 - i. The Applicants, M T and H W M, are hereby allowed to adopt baby **A J M** who shall henceforth be known as **A J M T**.
 - ii. His date of birth shall be presumed to be 30th August 2013. He is presumed to have been born in Kenya and the place of birth shall be Nairobi.
 - iii. N M and T G (Applicants' daughter and nephew) respectively are hereby appointed legal guardians of the child in the event that the Applicants die or are incapacitated by ill-health.
 - iv. I direct the Registrar General to enter this order in the Adoption Register.
 - v. The Director of Immigration is hereby authorised to issue the child with a Kenyan passport.
 - vi. The guardian ad litem is hereby discharged.

It is so ordered.

SIGNED DATED and **DELIVERED** in open court this **29th day** of **January 2016**.

L. A. ACHODE

JUDGE