



REPUBLIC OF KENYA
IN THE HIGH COURT OF V KENYA AT NYERI
ADOPTION CAUSE NO. 11 OF 2014 (O.S.)
IN THE MATTER OF THE CHILDREN ACT SECTION 158
AND
IN THE MATTER OF BABY M Alias BABY M N W alias C N M (CHILD)

JUDGEMENT

The applicants **F M M** and **G N M** have in their originating summons dated 26th June 2014 applied to this court under the provisions of the Children Act, [\[1\]](#) for authority to adopt the child known as baby **M alias Baby M N W alias C N M**, (herein after referred to as the child).

The originating summons is grounded on the affidavit of both applicants annexed thereto and sworn on 26th June 2014 and the documents attached thereto.

Briefly, the applications have sworn that the child was born at Thika Level Five Hospital, and the mother gave the child up for adoption because she wanted to return to School. In the support to the foregoing, the applicants have annexed copies of the mother's offer form, consent of child's mother and grandmother.

The applicants are husband and wife and the husband is employed on contract by *[particulars withheld]* while the wife is self employed. The applicants have been married since 1998. They have annexed a copy of the marriage certificate in support of the said averment. The husband was aged **47** years at the time of filing this suit while the wife was aged **44** years. The applicants aver that they profess the Christian faith and that the child was placed under their care by the Child Welfare Society of Kenya on 20th August 2013 at the age of 4 months and 20 days and has since then been continuously under their care and custody and that the said society has approved their suitability to adopt the said child and that guardians *ad litem* have agreed to be the guardians of the child. Further, the applicants state that they have another child and who has consented to the intended adoption. The relevant supporting documents have been annexed in support of the foregoing averments.

The applicants also aver that they have not received or agreed to receive and no person has made or given to them any payment or reward in consideration of the adoption.

The applicants have also exhibited a form duly completed by the mother/parent offering the child for adoption, an adoption of child explanatory memorandum, and form of certificate of acknowledgement duly signed by the mother. Also exhibited is a consent duly signed by the mother and also by **B W M** the child's grandmother, an agreement of foster parent, and an agreement with Child Welfare Society of Kenya.

I have carefully perused all the reports in this application, namely Declaration report for baby **M N W** dated 16th July 2014, Certificate of Declaring a Child Free for Adoption pursuant to Section 156 (1) of the Children's Act[2] and Adoption Regulations,[3] Social Inquiry Report dated 16th July 2014 and I am satisfied that the proposed adoption is in the best interest of the child who will grow up with a mother and a father figure in his life and will be accorded parental love. I am satisfied that the child will benefit from the parenthood of the applicants and will have a better future and prospects of becoming a useful member of the society.

I note that the biological mother and the Childs' grandmother signed the requisite consent dated 13th May 2013. I am satisfied that the provisions of the Children's Act[4] have been complied with. I allow the application and make the following orders:-

- i. The applicants **F M M** and **G N M** are hereby authorized to adopt the child known as **Baby M alias Baby M N W alias C N M**.*
- ii. The child shall henceforth be known as **C N M**.*
- iii. That the legal guardians of the child shall be **E M C** and **E W K** (who shall step in the shoes of the applicants in the unfortunate event that the applicants are unable to shoulder their parental responsibility).*
- iv. The Registrar General shall make an entry of this adoption in the Adopted Children Register in the prescribed form.*
- v. For avoidance of doubt, it is herein declared that all rights, duties, obligations and liabilities of the biological parent(s) or guardians of the child are extinguished and all such rights, duties, obligations and liabilities shall vest in and be exercised by and enforceable against the adopting parents, namely, **E M C** and **E W K** as if the said child was their biological child and the child shall have the right to inherit the applicants.*

Orders accordingly

Dated at Nyeri this 23rd day of February 2016.

John M. Mativo

Judge

[1] No 8 of 2001

[2] Ibid

[3] Supplement No. 37

[4] Supra