



THE REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
ADOPTION CASE NO. 229 OF 2014
IN THE MATTER OF THE CHILDREN'S ACT, 2001
IN THE MATTER OF THE ADOPTION OF BABY R M

-By-

G M G.....1ST APPLICANT

C M M2ND APPLICANT

JUDGMENT

The Applicants G M G and C M M are Kenyan citizens who have been married for about 15 years and both reside in Langata. The 1st Applicant is an Architect/Lecturer employed at [particulars withheld] and the 2nd Applicant is a Nurse who works at [particulars withheld]. They have one biological child from the marriage. They have expressed their desire to adopt stemming from the need to help needy children and their inability to have any other children due to secondary infertility.

The child R was born on the 04th May 2004 to two relatives; his mother and father were cousins. He could not be raised by his biological parents since it is viewed as taboo within their customary beliefs that insists on the child being given up to be raised by an outsider. The mother of the child and her family surrendered the baby to the Vihiga District's Children's Office. The area Chief did confirm that the child was truly born out of incest and requested the assistance of The Children Adoption Agency to relieve the family of the child. The child was then placed in the care of the Vihiga Children's Department. The baby being in need of care and protection was referred to New Life Home Trust, Nairobi for 3 years by the Provincial Children's Officer through the Children's Office after being in the New Life Home Trust, Kisumu. Upon examination, he was diagnosed to be in need of further medical attention and was transferred to New Life Trust home Nairobi. He had admitted to the New Life Home Trust on the 22nd of July 2004.

The Little Angels Network declared the child free for adoption on the 25th May 2011 pursuant to section 156 (1) of **the Children's Act** that provides the prerequisite requirements that need to be met before adoption. The Little Angels Network tracked down the child's mother and she signed approval of her child's adoption and so did the child's father. The child R M was willingly offered for adoption by his biological family at the Vihiga District Children's Office. The Network further undertook inquiries in the matter and declared the child free for adoption. New Life Trust reported that the child was admitted to their care in Kisumu on the 09th June 2004, they further reported that during the child's stay in the institution no parent or relative ever turned up to claim the child.

The Child was discharged from the home on the 27th September 2004 and placed in the care of Mr. G M G and Mrs. C M M the Applicants herein. Through an application by Chamber Summons of 03rd October 2014 the Applicants sought orders to appoint S G W as the Guardian Ad Litem for the infant R M. And that the Director of Children Services files an evaluation and assessment report on the infant and investigates the fitness of the Applicants to adopt.

According to the Little Angels Network which is a local adoption society, the Applicants have a stable. They are capable both financially and emotionally to raise another child and already have one of their own. The second Applicant also stated that she has an adopted cousin living under her care. The Children Officer's report stated that adoption would be in the best interests of the child and would afford the Applicants an opportunity to look after the child.

The Director of Children Services found the Applicants to be suitable to adopt and recommended that orders be issued to the proposed adoption of Baby M by G M G and his wife the second Applicant.

The guardian ad litem S G W who has known the Applicants for over 19 years wrote a report regarding the adoption of Baby R M. He stated that the Applicants have developed a parental bond with the child. And that the family is happy with the new addition. The child is eleven years old and has been with the family for nine years. He has no doubt that the Applicants are suitable to adopt and take care of a child. He recommended that they, the Applicants be allowed to do so.

The Applicants and the baby were present in Court on the 21st of April 2016. The child seems to be well taken care of and has bonded well with the Applicants. The parental consent has been complied with since the child's parents signed him over to be free for adoption. The Certificate declaring the child free for adoption Number [particulars withheld] was attached pursuant to **Section 156(1) of the Children's Act**. Both Applicants have no criminal record or a history of violent behaviour.

The adoption of the child is hereby granted to the Applicants in this matter G M G and C M M. Should any misfortune occur the child's legal guardians will be J G G and M G. The child shall be known as P M M and his date of birth shall be 04th May 2004. His place of Birth shall be [particulars withheld], Kenya. He shall be presumed to be a Kenyan by birth. The guardian ad litem is hereby discharged. The Registrar General should thereby enter an order of adoption. It is hereby ordered.

READ AND DELIVERED IN OPEN COURT AT NAIROBI THIS 20th DAY OF JUNE, 2016

MARGARET W. MUIGAI

JUDGE

In the presence of;

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