



REPUBLIC OF KENYA
IN THE HIGH COURT OF V KENYA AT NYERI
ADOPTION CAUSE NO. 3 OF 2011 (O.S.)
IN THE MATTER OF F C alias J M M G (CHILD)
IN THE MATTER OF AN APPLICATION FOR ADOPTION ORDER BY
M G M AND C W G
AND
IN THE MATTER OF THE CHILDREN'S ACT
JUDGEMENT

The applicants **M G M** and **C W G** have in their originating summons dated 24th June 2011 applied to this court under the provisions of the Children's Act^[1] for authority to adopt the child known as baby **F C alias J M M G**, (herein after referred to as the child).

The originating summons is grounded on the affidavit of both applicants annexed thereto and sworn on 24th June 2011 and the annexures attached thereto. The applicants have also filed a detailed statement in support of their application for adoption, and guardians consent and a verifying affidavit.

Briefly, the applicants have sworn that they applied to adopt a child at Little Angels Network and the application was approved, that the child was received into their care and custody on 10th September 2010 and has since then been continuously in their care and that as at the time of instituting these proceedings, the mandatory fostering care period had lapsed.

The applicants aver that the child was given for adoption by the Senior Resident Magistrate's Children's Court at Nairobi protection care case number PC 121 of 2010 and that the child was placed under the care of the applicants herein on 10th September 2010 at the age of 3 years and 9 months.

The applicants aver that they are husband and wife and they got married on 3rd December 2008. They have annexed a copy of their marriage certificate in support of the said averment. The husband, **M G M** was aged 54 years at the time of filing this suit while the wife **C W G** was ages 51 years. The applicants aver that they are fit socially and suited to take care of the child and both applicants submitted police certificates of good conduct and profess the Christian faith.

The reports filed by the Little Angels Network have declared the child to be free for adoption and recommend the adoption and there is evidence that the child has bonded very well with the applicants.

I have carefully perused all the reports in this application 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.

As the child was abandoned, I dispense with consents of the biological parents. I am satisfied that the provisions of the Children's Act have been complied with. I allow the application and make the following orders:-

1. The applicants **M G M and C W G** are hereby authorized to adopt the child known as **F C alias J M M G**.
2. The child shall henceforth be known as **J M M G**.
3. That the legal guardians of the child shall be **J N M** (who shall step in the shoes of the applicants in the unfortunate event that the applicants are unable to shoulder their parental responsibility).
4. The Registrar General shall make an entry of this adoption in the Adopted Children Register in the prescribed form.
5. For avoidance of doubt, it is herein declared that all rights, duties, obligations and liabilities of the biological parents 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, **M G M and C W G** as if the said child were their biological child the child shall have the right to inherit the applicants.
6. **That** consent of the biological [parents be and is hereby dispensed with.

Orders accordingly

Signed, Delivered and Dated at Nyeri this **13th** day of **June** 2016.

John M. Mativo

Judge

[\[1\]](#) Act No 8 of 2001