



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF V KENYA AT NYERI**  
**ADOPTION CAUSE NO. 3 OF 2015 (O.S.)**  
**IN THE MATTER OF BABY M I alias BABY M M M (CHILD)**  
**IN THE MATTER OF AN APPLICATION FOR ADOPTION ORDER BY**  
**S M N**  
**AND**  
**J W A**  
**AND**  
**IN THE MATTER OF THE CHILDREN'S ACT**

**JUDGEMENT**

**S M N** and **J W A** have in their originating summons dated 14<sup>th</sup> January 2015 applied to this court under the provisions of the Children's Act<sup>[1]</sup> for authority to adopt the child known as baby **M I** alias **Baby M M M** (herein after referred to as the child) and for an order that the Registrar General do make an entry in the Adopted Children Register in the prescribed form.

The originating summons is grounded on the annexed supporting affidavit of the applicants and the documents annexed thereto namely, Adoption of Children-Explanation Memorandum for Biological Parent/Guardian prepared by the Child Welfare Society duly signed by the biological father of the child, consent to an Adoption Order duly signed by the biological father of the child, burial permit for the child's mother, payslip and bank statement for the second and first applicants respectively, the applicants marriage certificate, application to foster a child, foster care placement rules and certificate of registration as a foster parent, a child placement letter written by the Child Welfare Society of Kenya addressed to the applicants herein, consent by **F M W N** who was appointed as a guardian on 23<sup>rd</sup> February 2016.

Also on record is a declaration report for adoption of the child declaring the child free for adoption and a certificate of declaring the child free for adoption under section **156 (1)** of the act and Adoption Regulations. There is also a social inquiry report for the applicants prepared by the Child Welfare Society of Kenya which recommends the applicants

Briefly, the applicants state that the baby was born in March 2006, and her father gave up the child for adoption after the child's mother died. The first applicant is a business person while the second applicant is a teacher and both aver that they are financially suited to take care of the child. The applicants are

husband and wife and have been married since 2000 and both profess the Christian faith.

The child was placed under the care of the applicants on 25<sup>th</sup> May 2009 at the age of 3 years and has been continuously under their care since then.

I have carefully perused all the documents in the application and considered the submissions by the applicants advocate 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 her 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 biological parent granted his consent, 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 applicant **S M N** and **J W A** be and are hereby authorized to adopt the child known as **B I** alias **Baby M M M**.
2. The child shall henceforth be known as **M M M**.
3. That the legal guardian of the child shall be **F M W N** (who shall step in the shoes of the applicants in the unfortunate event that the applicants are unable to shoulder her 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 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, **S M N** and **J W A** as if the said child was their biological child the child shall have the right to inherit the applicants.

Orders accordingly

**Signed, Delivered and Dated at Nyeri this 26<sup>th</sup> day of October 2016.**

**John M. Mativo**

**Judge**

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