



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**(FAMILY DIVISION)**

**ADOPTION CAUSE NO. 270 OF 2015**

**IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY K M B**

**JUDGEMENT**

1. The applicants, R W M and J R, are a Kenyan citizen and a German national, respectively. The male applicant is a Kenyan resident having worked here for several years. They are a married couple. They seek to adopt Baby K M B. Their Originating Summons is dated 10<sup>th</sup> November 2015.

2. The child in question is a niece of the female applicant. She was born on 6<sup>th</sup> November 2006 to her and a M B K. The biological father is said to be unknown to the family having met the mother of the child in Pakistan, and he never took up parental responsibility over the child. The biological mother is currently serving a life sentence in an Indonesian jail following conviction for drug related offences. In the absence of the mother it is the applicants who have been caring for the child.

3. The child was freed for adoption by the Change Trust adoption agency by their certificate number ***[particulars withheld]*** of 6<sup>th</sup> October 2015.

4. To facilitate this adoption, the applicants have been assessed by the Change Trust, the Director of Children Services and the guardian *ad litem*, E O S. The three have compiled and filed their reports in court. That of the Director of Children Services is undated but was filed in court on 30<sup>th</sup> May 2016, while that by the guardian *ad litem* is dated 19<sup>th</sup> March 2016. The report by the Change Trust is undated but was filed in court on 6<sup>th</sup> October 2015.

5. All these reports are favourable and recommend the proposed adoption. The applicants have demonstrated that they have the financial and emotional capability and capacity to take care of the child. The child herself appears to have bonded well with them and she considers them to be her parents. I note that the applicants have a biological child of their own.

6. In the opinion of this court it would be in the best interests of the child that she is adopted by the applicants. The applicants will be able to provide a home and a family for the child to grow up in. Consequently, the applicants shall assume all parental rights and duties of the biological parents in respect of the adopted child; they shall treat the adopted child as if she was born to them. The applicants have been made aware that once the adoption order is made it shall be final and binding during the lifetime of the child and that the child shall have the right to inherit their property. The applicants cannot give up the child owing to any subsequent unforeseen behaviour or other changes in the child.

7. I am satisfied that all the legal requirements for a local adoption have been met, and I therefore make the following orders:-

**(a) That the applicants, R W M and J R, are hereby allowed to adopt the child Baby K M B, who shall hereafter be known K R;**

**(b) That the said child was born of a Kenyan mother on 6<sup>th</sup> November 2006;**

**(c) That S W M is hereby appointed legal guardian of the child in the event something**

**untoward happens to the applicants;**

**(d) That the Registrar-General is hereby directed to enter this adoption order in the adoption register; and**

**(e) That the guardian *ad litem* is hereby discharged.**

**DATED, SIGNED and DELIVERED at NAIROBI this 25<sup>TH</sup> DAY OF NOVEMBER, 2016.**

**W. MUSYOKA**

**JUDGE**