

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

(FAMILY DIVISION)

ADOPTION CAUSE NO. 271 OF 2015

IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY S M

JUDGEMENT

1. The applicants, R W M and J R, are a Kenyan citizen and a German national, respectively. The male applicant has been resident in Kenya, where he has been working for several years. They are a married couple. They seek to adopt Baby S M B. Their Originating Summons is dated 10th November 2015.
2. The child in question is a nephew of the female applicant. He was born on 21st May 2005 to her and a M B K. The biological father is unknown to the family, 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 6th 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 30th May 2016, while that by the guardian *ad litem* is dated 19th March 2016. The report by the Change Trust is undated by was filed in court on 6th 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 himself appears to have bonded well with them and he considers them to be his 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 he 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 he 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 S M B, who shall hereafter be known S R;

(b) That the said child was born of a Kenyan mother on 21st May 2005;

(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 25TH DAY OF NOVEMBER, 2016.

W. MUSYOKA

JUDGE