

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 155 OF 2014

IN THE MATTER OF THE CHILDRENS ACT CAP 141

AND

IN THE MATTER OF BABY J W A.K.A M A N

A N M..... 1ST APPLICANT

J N N.....2ND APPLICANT

JUDGMENT

The Applicants A N M and J N N made an application before this court seeking to adopt baby J W. The Applicants are Kenyan citizens and have been married since 5th June 1993. The Applicants are both Administrators at *[particulars withheld]* at Langata. The Applicants have been blessed with five children namely; M W N, J K N, D N, S K N and C M N. The Applicants approached Child Welfare Society of Kenya, an adoption society seeking to adopt a child. The Applicants were assessed by the adoption society and approved her to be fit and favorable to adopt a child.

Baby J W was born out of an incestuous relationship on 4th of November 2011 from Kenyatta National Hospital according to the hospital form serial No. *[particulars withheld]*. The mother J W K and the guardian gave the child up for adoption. The mother of the child read and signed the Adoption of Children Explanatory Memorandum from Child Welfare Society of Kenya. A consent form was also signed by the mother before an advocate on the 23rd of March 2012 proving that she has voluntarily given up the child for adoption. The child was placed under care and protection of Child Welfare Society of Kenya after birth. The Senior Resident Magistrate Children's Court at Nairobi committed the child to Mama Ngina Children's Home on 2nd of July 2012 vide Protection and Care Case No. 220 of 2012. On 27th of July 2012, she was placed under foster care of the Applicants pursuant to the foster agreement. The court made an order on 24th of October, 2014, appointing S M as the guardian ad litem. A report approving the Applicants as favorable parents to adopt the child was prepared by the guardian ad litem from her frequent visits to the Applicants' home.

The court evaluated the reports that were prepared by the guardian ad litem, the Director Children's Services and the adoption society that proved the suitability of the Applicants for adoption. This being a local adoption, there are requirements that have to be satisfied before it's granted. The consent of the parents or relatives has to be obtained as a first requirement pursuant to Section 158(4)(a) of the children's Act. The mother of the child, J W K and the guardian gave the child up for adoption. The mother of the child read and signed the adoption of children explanatory memorandum from Child Welfare Society Kenya confirming that she had agreed with the terms of giving up the child for adoption. A consent form was also signed by the mother before an advocate on the 23rd of March 2012 proving that she has voluntarily given up the child for adoption.

From the reports of the guardian ad litem, the Director Children's Services and the adoption society, the Applicants were approved to be suitable persons to adopt the child. The child had bonded well with the applicants and their biological children after she was placed with them. The reports prove that the Applicants are financially and emotionally stable to adopt the child. The certificates dated 25th march 2015 with serial no. *[particulars withheld]* and no. *[particulars withheld]* prove that the applicants have

no criminal record. The applicants have provided a healthy environment for the child to grow in. The biological children of the applicants have consented to adopting the child.

The court hereby grants adoption to the Applicants because it is in the best interest of the child being the paramount consideration in adoption. The child shall be called M A N. Her date of birth shall be 4th November, 2011 and the place of birth shall remain Nairobi. She will presumed to be a Kenyan Citizen by birth. In case of any misfortune, the child's legal guardians shall be M W N, a daughter of the Applicants. The guardian ad litem is hereby discharged. The Registrar General should thereby enter the order of adoption. It is so ordered.

DATED AT NAIROBI THIS 12TH DAY OF JUNE, 2015.

M. MUIGAI

JUDGE

In the presence of Ms. Stella Muendo for the Applicants.