



**HIGH COURT OF KENYA AT MILIMANI**

**ADOPTION CAUSE NO. 138 OF 2013 (OS)**

**AND**

**IN THE MATTER OF THE CHILDREN'S ACT**

**(NO. 8 OF 2001)**

**AND**

**IN THE MATTER OF BABY V K M**

**JUDGEMENT**

1. The applicants, S N M and G W N, are Kenyan citizens. They are a married couple. By their Originating Summons dated 12<sup>th</sup> June 2013 they seek to adopt a male child called Baby V K M.
2. The subject child, Baby V K M, was born on 8<sup>th</sup> May 2012, to a mother, who offered him for adoption and signed the relevant consent papers. The reasons given for the action by the mother was that she was a single woman who had two other children. She had inadequate means of survival. The child was handed over to the Mama Ngina Children's Home, where she was committed later by the Nairobi Children's Court. She was placed with the applicants on 30<sup>th</sup> November 2012 for the bonding period.
3. This adoption is being arranged by the Child Welfare Society of Kenya adoption agency. The said adoption agency declared the child free for adoption through their certificate dated 21<sup>st</sup> January 2013.
4. To facilitate this adoption, the applicants have been assessed by the Child Welfare Society of Kenya, the guardian *ad litem*, A N and the Director of Children Services. All three have compiled and filed their reports in court. The report by the Director of Children Services is dated 2<sup>nd</sup> May 2014, while that by the Child Welfare Society of Kenya is dated 5<sup>th</sup> November 2013. The report of the guardian *ad litem* is undated.
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 appears to have bonded well with them and she considers them to be her parents. I note that the applicants have three biological children 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 and thereafter be a useful member of the family. 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 find that the application before me has merit and I hereby permit the applicants, S N M and G W N, to adopt Baby V K M to be known hereafter as N S N N. I hereby appoint S M N the child's

legal guardian should misfortune befall the applicants during the child's minority. The child is Kenyan by birth as she was born to a known Kenyan mother. I direct the Registrar-General to enter this adoption order in the adoption register. The guardian *ad litem* is hereby discharged.

**DATED, SIGNED and DELIVERED at NAIROBI this 14<sup>th</sup> DAY OF August, 2014.**

**W. MUSYOKA**

**JUDGE**

**In the presence of Miss Odiya advocate for the applicants.**