



**REPUBLIC OF KENYA**

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

**ADOPTION CAUSE NO. 104 OF 2014**

**IN THE MATTER OF THE CHILDREN ACT, 2001**

**AND**

**IN THE MATTER OF BABY A G W M *alias* A W M – MINOR**

**J M..... 1<sup>ST</sup> APPLICANT**

**E I A M..... 2<sup>ND</sup> APPLICANT**

**J U D G M E N T**

The applicants, J M and E I A M are husband and wife. They were married on 17<sup>th</sup> October 1980. The 1<sup>st</sup> applicant is a retired marketer while the 2<sup>nd</sup> applicant is employed as an administrative assistant. The applicants have been blessed with seven (7) children. However, one of their children, a daughter has since died. They have applied to this court to be allowed to adopt Baby A G W M *alias* A W M (the child). The child was born on 15<sup>th</sup> July 2004. She is the only daughter of G M M and A A M who passed on in 2001 and 2011 respectively. The child's biological mother was the applicants' daughter. The child was taken in by the applicants in 2006 after the child's mother got married to T O A. Since then, the applicants have had continuous custody of the child. This is therefore an adoption within the family.

Prior to the hearing of the adoption, the adoption society, Kenya Children's Home, prepared a report which is filed in court. They also issued a certificate declaring the child free for adoption. The certificate is dated 24<sup>th</sup> April 2012. The Director of Children's Services prepared a report which is on record. The guardian ad litem, N N M, prepared a report which has been filed in court. All the reports are favourable and recommend that the court allows the applicants to adopt the child. I have evaluated the facts of this adoption. It is evident that the applicants have fulfilled all the legal requirements relating to the adoption of the child. The consent of the biological parents of the child was dispensed with since they are deceased. The child's step father has given his consent to the proposed adoption. This court is satisfied that the applicants are qualified and able to take care of the child. The home visits by the guardian ad litem, the Adoption Society and the Director of the Children Services established that the applicants have the financial and emotional capability to provide for the upkeep and education of the child. This court observed the applicants with the child in court. It was evident that in the period that the applicants have had the custody of the child, the child has bonded well with them. The child considers the applicants her parents.

This court formed the opinion that it would be in the best interest of the child to be adopted by the applicants. I allow the application for adoption. The applicants, J M and E I A M are hereby allowed to adopt Baby A G W M *alias* A W M. She shall henceforth be known as A W M. L A M, a daughter of the applicants and P A O, a sister to the 2<sup>nd</sup> applicant shall be the legal guardians of the child should such eventuality arise. I direct the Registrar General to enter this order in the adoption register. I hereby discharge the guardian ad litem. It is so ordered.

**DATED AT NAIROBI THIS 31<sup>ST</sup> DAY OF OCTOBER , 2014**

**M. MUIGAI**

**JUDGE**