



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MILIMANI**  
**ADOPTION CAUSE NO. 307 OF 2013 (OS)**  
**AND**  
**IN THE MATTER OF THE CHILDREN'S ACT**  
**(NO. 8 OF 2001)**  
**AND**  
**IN THE MATTER OF BABY M A**  
**JUDGEMENT**

1. The applicants, J M O and J A M, are Kenyan citizens. They are a married couple. They seek to adopt Baby M A. Their originating summons is dated 6<sup>th</sup> December 2013.
2. The child in question was born on 28<sup>th</sup> December 2008 at the Pumwani Maternity Hospital, Nairobi. The father of the child was the son of the applicants, but he died in 2010. This is therefore a kinship adoption. The mother of the child took the child to the applicants, the child's grandparents. The mother does menial jobs and has another child she is supporting on her own. She offered her for adoption and signed the relevant papers. The child has been with the applicants since 2010.
3. The child was freed for adoption by the Kenya Children's Homes adoption society by their certificate of 31<sup>st</sup> December 2012.
4. To facilitate this adoption, the applicants have been assessed by the Kenya Children's Homes, the Director of Children Services and the guardian *ad litem*, M O S. The three have compiled and filed their reports in court. That of the Director of Children Services is dated 23<sup>rd</sup> May 2014, while that of the guardian *ad litem* is dated 26<sup>th</sup> June 2014. The report by the Kenya Children's Homes is dated 4<sup>th</sup> February 2014.
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 have taken note of the fact that this is a case of grandparents adopting a child of their deceased son.
6. In the opinion of this court that 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 applicant 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, J M O and J A M, are hereby allowed to adopt the child Baby M A, who shall hereafter be known M A O;
- (b) That the said child is hereby declared Kenyan by birth as she was born within Kenya by a known Kenyan mother.
- (c) That M O O and E A O are hereby appointed legal guardians 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 24<sup>th</sup> DAY OF October 2014.**

**W. MUSYOKA**

**JUDGE**

**In the presence of Ms. Kibara for Ms. Ndegwa advocate for the applicant.**