



**REPUBLIC OF KENYA**

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

**ADOPTION CAUSE NO. 194 OF 2013**

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

**AND**

**IN THE MATTER OF BABY S M A O- MINOR**

**D J O O.....1<sup>ST</sup> APPLICANT**

**J S O.....2<sup>ND</sup> APPLICANT**

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

The applicants, D J O O and J S O, are husband and wife. They were married on 5<sup>th</sup> December 1998. The 1st applicant is employed as a human resource manager at the *[particulars withheld]* while the 2nd applicant works as a corporate relations officer with *[particulars withheld]*. The applicants have not been blessed with any children of their own due to medical reasons. They have already adopted another child who was born on 15th January 2006 through this court. The adoption order was given by this court on 19<sup>th</sup> December 2008. They wish to adopt another child. They have applied to this court to be allowed to adopt baby S M A O (the child). She is the daughter of B A O. The child's biological father is unknown. The child was born on 29<sup>th</sup> December 2011 at the Moi Teaching and Referral Hospital, Eldoret. Her mother succumbed to cardiorespiratory failure during child labour on the same day. She was buried on 4<sup>th</sup> January 2012. Following a family meeting held on 5<sup>th</sup> January 2012, it was agreed that the child be placed with the applicants. Since then, the child has been under the continuous custody and care of the applicants. The 1<sup>st</sup> applicant is the child's maternal uncle. 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 12<sup>th</sup> June 2012. The Director of Children's Services prepared a report which is on record. The guardian ad litem, R S A N, 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. This is a local adoption. It is evident that the applicants have fulfilled all the legal requirements pertaining to the adoption of the child. The consent of the maternal grandparents of the child was obtained on 30<sup>th</sup> May 2012. 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. The applicants have proved their capacity to take care of the child by the fact that they are taking good care of another adopted child.

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 applicants' application for adoption. The applicants, D J O O and J S O, are hereby allowed to adopt Baby S M A O. The child's name shall remain S M A O. P O O and D W D, the 1<sup>st</sup> applicant's brother and his wife, 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 21<sup>ST</sup> DAY OF NOVEMBER , 2014**

**M. MUIGAI**

**JUDGE**