



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
ADOPTION CAUSE NO. 25 OF 2008 (O.S.)
IN THE MATTER OF ADOPTION OF BABY M N

AND

IN THE MATTER OF THE APPLICATION FOR ADOPTION

BY

W K AND C K

(JOINT APPLICANTS)

JUDGMENT

The Applicants W K O and C K are in a monogamous marriage which was solemnized at the Office of the Registrar in Nairobi on 28th September 2011 vide marriage certificate No. *[Particulars withheld]*. They have no child of their own. They wish to adopt the child known as Baby M N, a minor of female sex. They indicate that W works as an Operations Manager with *[particulars withheld]*. while C W is an Administrative Assistant with *[particulars withheld]*. They reside in California Estate in Nairobi, and are both Christians of the Protestant denomination.

The unborn baby was offered for adoption by her biological mother through a letter dated 8th March 2006. She indicated that she was raped by an unknown person and therefore, would hate the child were she to remain with him/her. A consent giving up the child for adoption was signed on 26th May 2006 in the presence of M/s. Anne Ndungu a nursing director at A.I.C. Kijabe Hospital where the child was born and P K M a Social worker. The mother later signed a consent before a Commissioner of Oaths on 7th July 2006 consenting to the adoption.

The baby was admitted to Thomas Barnados House on 26th May 2006. She was later committed to the Charitable Children Institution by the Children's Court of Nairobi for care and protection on 4th December 2006 vide case No. 237 of 2006.

The child was released into the custody of the applicants for mandatory foster care pending adoption, pursuant to a foster care agreement signed on 13th December 2006. Since then the child has been in continuous custody and care of the applicants.

Prior to the hearing of the adoption application, Kenya Christian Homes Adoption Society, an adoption society, prepared and filed a report in court. They also issued a certificate dated 28th May 2007 declaring the child free for adoption. The Director of Children's Services also filed a report as did the guardian ad

litem, W K. Both reports were favourable and recommended the adoption of the child by the applicants.

This is a local adoption and from the record the Applicants have fulfilled all legal requirements relating to the adoption of the child. The consent of the biological parent was dispensed with since the child was offered for adoption at birth.

The Adoption Society, guardian ad litem and the Director of Children's Services have all made home visits and established that the applicants are both financially and emotionally capable to provide for the up keep and education of the child. The child was in court during the hearing and appeared to have bonded well with the applicants. She considers them as her parents.

After a careful assessment of the reports filed herein and from the observation of the interaction of the Applicants and the child during the hearing, this court has formed the opinion that it would be in the best interest of the child to be adopted by the Applicants. The application is therefore allowed.

The Applicants W K O and C W K are hereby allowed to adopt baby **M N**. She shall henceforth be known as **B A K**.

Her date of birth shall be 22nd May 2006 and the place of birth shall be Kijabe Hospital, Kenya. She is presumed to have been born in Kenya. R M M, is hereby appointed legal guardian of the child should the need arise. I direct the Registrar General to enter this order in the Adoption Register and I hereby discharge the guardian ad litem.

It is so ordered.

SIGNED DATED and DELIVERED in open court this **16th** day of **December 2014**.

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L. A. ACHODE

JUDGE