



IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY K.M alias P.A

JUDGEMENT

M.K.K, ID NO. [...], the Applicant, seeks under the provisions of the Children Act No.8 of 2001 (The Act) authority of this court to adopt the child known as **K.M alias P.A**.

The Applicant is a female and a Kenya citizen of African descent. She was born in 1967 and she resides in K Town where she operates a (*particulars withheld*). She is said to be in good health. Investigations as to her suitability to adopt the child were carried out by the office of the Director of Children's Services in the Ministry of Gender, Children and Social Development whose report dated 21.7.2011 I have perused. Further investigations were carried out by Little Angels Network, a registered Adoption Society in Kenya. The evaluation by both the Director of Children's Services and Little Angels Network show that the Applicant is a suitable person to adopt the child and the report by the latter dated 26.10.2010, like that of the Director of Children's Services, recommends the proposed adoption.

The motivation of the Applicant to adopt the child was predicated on the Applicants inability to get biological children of her own due to medical reasons. She had fibroids and she underwent an operation for their removal and complications ensued resulting in removal of her uterus.

The Applicant is single having separated in 1995 from her husband who has since remarried. She has an average income of Shs. 100,000/= per month and owns one acre of land at K. She has the resources to raise the child. She is a Christian and seems from the reports to have assumed her parental role well.

The child was placed in the care, custody and control of the Applicant on 17th July 2004 while barely 6 months old. The Applicant has for the last 7 years had custody and control of the child who knows no other parent. She was born in 2004 and given up for adoption by her biological mother, one L.S, just a week after birth. The name of the child's father is given as J.A. The biological mother signed two consents on 13.2.2004 and again on 7.7.2005. The child's grandmother also gave consent on 9.3.2004. The reason why the child was given up for adoption is that the child was born out of an incestuous relationship. The child is said to be growing up well and to have bonded well with extended family members who include the grandmother, aunts, uncles and cousins. Little Angels Network Adoption Society declared the child free for adoption in its Declaratory Certificate No. [...] dated 25.11.2009.

In the unfortunate event of the Applicant being unable to continue to shoulder parental responsibility, the legal guardian M M shall carry the parental burden.

Subject to this, I am satisfied that the Applicant has complied with the criteria set out in the Act and is suitable to adopt the child with whom she has bonded during the seven year period she has had care and control.

Accordingly, I allow the Application by the Originating Summons dated 23.4.2010 and make the following orders.

1. I authorize the Applicant, **M.K.K** to adopt the child known as K.M alias P.A.
2. I dispense with the consent of the biological parents.
3. I order that the child shall henceforth bear and be known by the name of **M.N.M**.
4. The date of birth of M.N.M is February 2004 and her place of birth is Vihiga.
5. I direct that the Registrar General shall make an entry to this Adoption in the Adopted Children Register in the prescribed form.

6. The Legal Guardian of the child shall be **M.M** and in the unfortunate event that the Applicant is unable to shoulder his parental responsibility the Legal Guardian shall assume that role.

7. For the avoidance of doubt, it is herein declared that all rights, duties, obligations and liabilities of the biological parents or guardians of the child are extinguished and all such rights, duties, obligations and liabilities shall vest in and be exercised by and enforceable against the adopting parent namely, M.K.K as if the said child were her biological child and the child shall have the right to inherit the Applicant.

Dated at Milimani Law Courts, Nairobi, this 17th day of February 2012.

G.B.M. KARIUKI, SC
JUDGE

COUNSEL APPEARING

Mr. Ochieng Ogutu advocate for the Applicant

Ms Viola Yego for the Children Department

Caroline Macharia for the Little Angels Network