



**REPUBLIC OF KENYA**

**High Court at Nairobi (Nairobi Law Courts)**

**Adoption Cause 148 of 2010**

**BABY J. M. THE INFANT**

**IN THE MATTER OF ADOPTION OF**

**AND**

**E. I. K.**

**M. W. K.....APPLICANTS**

**JUDGMENT**

By an Originating Summons dated 30<sup>th</sup> September, 2010, the Applicants herein sought from the court the following orders-

- 1. That A.W.G. of P.O. Box {particulars withheld} in the Republic of Kenya be appointed guardian ad litem of the child J. M.**
- 2. That E.I.K. and M.W.K. be authorized to adopt the said child.**
- 3. That upon the making of the adoption order the child be known as E.K.I.**

Prayer 1 was granted on 8<sup>th</sup> July, 2011 whereby A.W.G. was duly appointed guardian ad litem. The present hearing is in respect of prayer 2 and 3.

The Applicants appeared in person as they had no legal representation. On behalf of both of them, the second Applicant, M.W.K., told the court that their application was for the adoption of baby E.K.I., currently known as J.M. The child was abandoned by his biological mother at the Machakos District Hospital. The child was subsequently admitted to Hope House Babies Home, on 27<sup>th</sup> October, 2004 and later placed with the Applicant's on 21<sup>st</sup> February, 2005 when he was eight months old. He has since been under their continuous care and control. No one ever went forth to claim the child, and on 15<sup>th</sup> November, 2010 the child Welfare Society of Kenya declared the child free for adoption. The Applicants now apply for a court order for adoption.

M.W.K. was born in 1966 and went to school up to 1986. She then went to college in 1988 and completed her course in 1990 after which she was employed as a Medical Laboratory Technician. She worked at K[...] for 4 years then transferred to Nairobi to work with {particulars withheld}. Thereafter she pursued a Diploma course which she completed in 2004. She is still working at {particulars withheld}. The couple lives at {particulars withheld} where they own a three bedroomed house in which they have lived since 2006. They married in 1990 under Kikuyu customary law, but did not get their own biological child all those years.

Adding to the above account, the 1<sup>st</sup> Applicant, Mr. E. K. told the court that the respective Applicants' families were supportive of what the couple was doing. Their relatives understood that the adopted child would be their child and would inherit the couple's property.

After hearing the Applicant's and considering the reports on record, I note that this is a local adoption and the Applicants have fulfilled the requirements for such an adoption. The child is now 7 years old, and has been under the continuous care and control of the Applicants since February, 2005. The report from the Director of Children Services shows that the child has bonded well with the Applicants, and he is very friendly and playful. These are good signs from a child of that age. The Applicants have a sound financial base which would enable them to provide the child with a good education and a predominantly happy life. The parents and siblings of the Applicants are also supportive of the adoption, and the Director of Children Services has endorsed his seal of approval.

On account of the foregoing, I am satisfied that the Applicants herein are fit and proper to adopt the child, consequent whereupon I accordingly make the following orders-

1. **That E.I.K. and M.W.K. be and are hereby authorized to adopt the child currently known as J.M.**
2. **That the said child shall from this moment henceforth be known as E.K.I. and answer to that name exclusively.**
3. **The Registrar-General to make an appropriate entry in the Adopted Children Register.**

**DATED and DELIVERED at NAIROBI this 27<sup>th</sup> day of July, 2012.**

**L. NJAGI  
JUDGE**