



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
ADOPTION CAUSE NO. 81 OF 2018 (OS)
IN THE MATTER OF THE CHILDREN'S ACT NO. 8 OF 2001
AND
IN THE MATTER OF ADOPTION OF BABY MJ ALIAS MJ
BY
OKM & JWK (APPLICANTS)
JUDGEMENT

1. Before Court is an Originating Summons dated the 18th of June 2018 seeking for orders; -

- a. That the applicants **OKM & JWK** be authorised to adopt **MJ ALIAS MJ**
- b. That upon adoption the child be known as **JMK**
- c. That the Registrar- General do make appropriate entries in the Adopted Children register.
- d. That **JKM & AWK** be appointed legal guardians in respect of **JMK**

2. By a ruling dated 20th September, 2018 the court appointed **MW** as guardian *ad litem* and required the said guardian *ad litem* and the Director of Children's Services Department to conduct a social enquiry on the Applicants' fitness and the prevailing circumstances as relates to this adoption and file their respective reports.

3. The necessary reports referred to in paragraph 2 above were filed in court on 13th November, 2018 and 7th December, 2018 respectively. Both reports highly recommended the Applicants as suitable and fit persons to be considered for this adoption.

4. The court was informed that the 1st applicant is aged 46 years and is a [particulars withheld]. Whereas the 2nd Applicant is 39 years and is a [particulars withheld]. The parties have been in a Christian marriage 25th October, 2003.

The applicants do not have a child of their own and desire to adopt one. The two have adequate income and fairly reasonable assets. They currently reside in West Zambezi, in Kiambu county in a two bedroomed spacious house. They also have a helper who takes care of the child in their absence.

5. The child, **Baby M** was given up for adoption by his biological mother who claimed to be financially unable to take care of him. The child was born on the 15th of August 2015 in Laikipia, and on the 21st of August, 2015 the biological mother approached Little Angel's Network and expressed her wish to have the child adopted as it's father denied paternity and already having another child she was unable to raise him. She signed relevant papers and the child was placed at Neema House Infant Rescue Centre on 21st August, 2015. The Children's Department Laikipia East acknowledged the placement in the home on the 31st of August, 2015. The mother signed a consent on the 21st of November, 2015. The child was declared free for adoption on the on the 26th of January 2016, after which he was placed with the Applicants for foster care from the 2nd of June 2017.

6. The proposed legal guardian, **JKM & AWK** are husband and wife. The male guardian is a brother to the male applicant. They have both consented to being appointed as such and are ready to take up responsibility in the event the applicants are not there or are both incapacitated before the minor attains age of majority.

7. Against the above background I have formed the opinion that the Applicants, **OKM & JWK**, meet the legal requirement necessary for an adoption order to issue. They are suitable and fit persons to adopt the child herein and the said adoption will be for the best interest of the child, who has found parents, who have provided a home and the much-needed love, care and attention he deserves.

8. The adoptive parents will henceforth acquire rights and obligation of parents towards the child who now becomes their full responsibility with all rights of a child under the law, including the right to inherit the applicants.

9. On the other hand, the legal guardians will take full responsibility over the child should the applicants both die or are incapacitated before the minor is of full age.

10. Consequently, I make the following orders.

a. That the Applicants OKM & JWK be and are hereby authorised to adopt Baby MJ ALIAS MJ

b. That the child's name will upon this adoption be JMK

c. That JKM & AWK be and are hereby appointed Legal Guardians of the child now to be known as JMK

d. That the Registrar General do enter this adoption in the adoption register

e. The guardian *ad litem* MW be and is hereby discharged from the duties earlier conferred upon her by the court.

SIGNED DATED AND DELIVERED IN COURT THIS 16TH OF DAY OF JANUARY, 2020.

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ALI-ARONI

JUDGE

In the presence of:

Counsel for the Applicant.....