



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**FAMILY DIVISION**  
**ADOPTION CAUSE NO. 183 OF 2018 (OS)**  
**IN THE MATTER OF THE CHILDREN ACT, 2001**

**AND**

**IN THE MATTER OF BABY IM.**

**IN THE MATTER OF AN APPLICATION FOR ADOPTION BY**

**SKK.....1<sup>ST</sup> APPLICANT**

**JRK.....2<sup>ND</sup> APPLICANT**

**JUDGMENT**

1. The applicants SKK and JRK are a Kenyan couple aged 47 and 53, respectively. The 1<sup>st</sup> applicant is a regional manager with [particulars withheld] while the 2<sup>nd</sup> applicant is a sales manager with [particulars withheld]. They married in Church on 7<sup>th</sup> August 2010. They have no child together. However, the 1<sup>st</sup> applicant has a child from his previous marriage that was dissolved vide a decree dated 11<sup>th</sup> April 2003. The child resides in the United States of America. On 29<sup>th</sup> November 2018 the applicants filed this originating summons seeking to adopt Baby IM.

2. Baby IM was born on 28<sup>th</sup> February 2015 at Tigoni Sub District Hospital to MM, who was underage, following incestuous relationship. Upon delivery the mother offered the baby for adoption owing to the community taboo relating to child. She also wanted to further her education. On 20<sup>th</sup> April 2015 Baby IM was committed to Nest Children's Home pursuant to an order made by the Resident Magistrate's Court Milimani under Protection and Care Case No. 97 of 2015. The mother gave her consent on 18<sup>th</sup> September 2017 upon attaining the age of eighteen. The baby was declared free for adoption by Little Angels Network on 29<sup>th</sup> September 2017 vide certificate No. [...], and was placed with the applicants on 16<sup>th</sup> December 2017 for bonding.

3. On 21<sup>st</sup> April 2019 the court appointed JM as the guardian *ad litem* to the child and ordered her and the Director of Children Services to within 45 days prepare and file the requisite reports after carrying out a social inquiry on the applicants to determine their suitability to adopt the child. The two reports were filed each recommending the applicants to be allowed to adopt the child. The reports found that the applicants were socially, emotionally and financially stable and suitable to adopt the child. It was also found that the child and the applicants had bonded well.

4. The court finds that it is in the best interest of the child to be adopted by the applicants. The applicants have demonstrated their ability to provide a conducive home and family environment in which the child will grow and develop. They will assume all parental rights and obligations of the biological parents of the child once adopted, and shall treat her as if she was born to them. They have been made aware that once the adoption order is made, it shall be final and binding during the lifetime of the child. The child shall have the right to inherit their property. The applicants shall not be able to give up the child owing to any subsequent unforeseen behaviour or other changes in the child. This court notes that the child's mother voluntarily offered her for adoption.

5. Having been satisfied that all the legal requirements for a local adoption under the **Children Act** have been met, the following orders shall issue:-

a) the applicants SKK and JRK are hereby allowed to adopt Baby IM;

b) Baby IM shall henceforth be known as ZWK;

c) the child shall be presumed to be Kenyan having been born in Tigoni in Kenya to a Kenyan woman;

d) SMI and JW are hereby appointed to be the child's legal guardians in the event of death or incapacity of the applicants before she is of full age and fully self-reliant;

e) the Registrar-General is directed to enter this adoption in the Adopted Children Register; and

f) the guardian *ad litem* is hereby discharged.

**DATED and SIGNED at NAIROBI this 6<sup>TH</sup> FEBRUARY 2020**

**A.O. MUCHELULE**

**JUDGE**

**DATED and DELIVERED at NAIROBI this 13<sup>TH</sup> FEBRUARY 2020**

**A.N. ONGERI**

**JUDGE**