



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAIROBI**

**FAMILY DIVISION**

**ADOPTION CAUSE NO. 160 OF 2018 (OS)**

**IN THE MATTER OF THE CHILDREN ACT, 2001**

**AND**

**IN THE MATTER OF BABY SK AKA JC**

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

**JWM.....APPLICANT**

**JUDGMENT**

1. The applicant JWM is a single Kenyan woman aged 47 and an administrator at ACK Jericho. She filed this originating summons on 9<sup>th</sup> November 2018 seeking to be allowed to adopt Baby S.K. a.k.a. J.C.

2. Baby S.K. a.k.a. J.C. was born on 14<sup>th</sup> November 2015 by one VC. On 8<sup>th</sup> January 2016 the mother went to Nakuru Police Station intending to surrender the baby. The matter was recorded under OB No. 25/24/11/2015. The mother was referred to Nakuru District Children's Office who took the child and placed her at Africa Gospel Center Nakuru on 24<sup>th</sup> November 2015. The baby was committed to the Center pursuant to an order made by the Nakuru Children's Court on 30<sup>th</sup> December 2015 under Protection and Care Case No. 473 of 2015. The biological mother of the child gave her final consent through a sworn affidavit on 13<sup>th</sup> November 2017. She was a university student who did not want to be responsible for the upbringing of the child. The child was on 21<sup>st</sup> March 2018 declared free for adoption by the Kenya Children Home Adoption Society. On 26<sup>th</sup> March 2018 the child was placed with the applicant for bonding.

3. The court on 21<sup>st</sup> February 2019 appointed JAO as the guardian *ad litem* and ordered that she files a report after carrying out a social inquiry on the applicant. A similar report was sought from the Director of Children Services. Both reports were duly filed, and each recommended that the applicant be allowed to adopt the child. The reports found that the applicant was socially, emotionally and financially stable and suitable to adopt the child. It was also found that the child and the applicant had bonded well.

4. The court finds that it is in the best interest of the child to be adopted by the applicant. The applicant has demonstrated her ability to provide a conducive home and family environment in which the child will grow and develop. She 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 her. She has 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 applicant 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 gave up the child 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 applicant JWM hereby allowed to adopt Baby S.K. a.k.a. J.C.;
- b. Baby S.K. a.k.a. J.C. shall henceforth be known as CFW
- c. the child shall be presumed to be Kenyan by birth having been born by a Kenyan woman in Kenya;
- d. GNM and D N K 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**