



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

FAMILY DIVISION

ADOPTION CAUSE NO. 35 OF 2012(OS)

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF BABY P.

IN THE MATTER OF AN APPLICATION FOR ADOPTION BY

NMM.....1ST APPLICANT

MWW.....2ND APPLICANT

JUDGMENT

1. The applicants NMM and MWW are a Kenyan couple aged 38 and 46, respectively. They do business. They solemnized their marriage on 12th July 2018 at the Attorney General Chambers in Nairobi. They have one child. On 25th March 2019 they filed this originating summons dated 23rd January 2019 seeking to adopt Baby P.

2. Baby P. was born on 31st March 2018 to one TWN as indicated in birth certificate serial number [....]. The child was offered for adoption by the mother who signed her consent on 3rd August 2018. The mother offered the child because this was unplanned pregnancy and she had four previous children to take care of. The child was committed to Thomas Barnardo Children Home for care and protection pursuant to an order made by the Nairobi Children's Court in Protection and Care Case No. 178/2018. The child was declared free for adoption by Kenya Children's Home Adoption Society on 15th August 2018. It had been confirmed that there was no relative willing to take up the child. On 20th August 2018 the child was placed with the applicants for bonding.

3. On 9th May 2019 the court appointed CMK 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 considers that the child's biological mother willingly gave her up 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 NMM and MWW are hereby allowed to adopt Baby P.;
- b) Baby P. shall henceforth be known as MMM;
- c) the child shall be presumed to be Kenyan having been born to a Kenyan woman in Kenya;

d) MWW is hereby appointed to be the child's legal guardian 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 6TH FEBRUARY 2020

A.O. MUCHELULE

JUDGE

DATED and DELIVERED at NAIROBI this 13TH FEBRUARY 2020

A.N. ONGERI

JUDGE