



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

FAMILY DIVISION

ADOPTION CAUSE NO. 34 OF 2019 (OS)

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF BABY LAW

IN THE MATTER OF AN APPLICATION FOR ADOPTION BY

AGW.....1ST APPLICANT

RWM.....2ND APPLICANT

JUDGMENT

1. The applicants AGW and RWM are a Kenyan couple aged 44 and 45, respectively. The 1st applicant is a businessman while the 2nd applicant is a civil servant working with the [particulars withheld]. The applicants married in 2008. On 8th May 2018 the marriage was solemnized at the Registrar's office in Nairobi. They have no child. On 26th March 2019 the applicants filed the originating summons seeking to jointly adopt the Baby LAW.

2. Baby LAW was born on 13th April 2018 to BWB at Mbagathi District Hospital as per birth notification No. [xxxxxxx]. She signed a consent letter severing all her parental rights over the child. She stated that she was still a student with no financial resources to enable her raise the child well. The child was committed to Nest Children's Home on 13th June 2018 under **Care and Protection Case No. 222 of 2018** by the Children's Court, Nairobi. On 27th June 2018 the child was declared free for adoption by Little Angles Network who issued certificate serial No. [xxxxxx]. On 10th August 2018 the child was placed with the applicants for mandatory bonding before adoption.

3. The court on 9th May 2019 appointed BMM as the guardian *ad litem* and ordered her to investigate the suitability of the applicants to adopt the child and to file a report within 45 days. A similar report was sought from the Director of Children Services. Both reports were duly filed, and each recommended that the applicants 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 him as if he 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 properties. The applicants shall not be able to give up the child owing to any subsequent unforeseen behaviour or other changes in the child. The child's mother offered the child for adoption willingly without any threats or coercion after being explained to the consequences of such action taken.

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 AGW and RWM are hereby allowed to adopt Child LAW.;

b) LAW shall henceforth be known as JWG;

c) the child shall be presumed to be Kenyan by birth having been born at Mbagathi District Hospital in Nairobi in Kenya;

d) JWM and SMN are hereby appointed to be the child's legal guardian in the event of death or incapacity of the applicants before he 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 DELIVERED at NAIROBI this 3RD day of DECEMBER 2020

A.O. MUCHELULE

JUDGE