



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**FAMILY DIVISION**  
**ADOPTION CAUSE NO. 158A OF 2018 (OS)**  
**IN THE MATTER OF THE CHILDREN ACT, 2001**

**AND**

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

LF.....1<sup>ST</sup> APPLICANT

ENM.....2<sup>ND</sup> APPLICANT

**JUDGMENT**

1. The applicants LF and ENM are a Kenyan couple, aged 45 and 37, respectively. The applicants both work at [Particulars Witheld] in USA. The applicants solemnized their marriage on 29<sup>th</sup> March 2005 at the Registrar's Office in Nairobi. They have one son RFT who is 10 years. He lives with them in the U.S.A. where he goes to school.
2. Baby AKM was born on 1<sup>st</sup> January 2005 to TMM and CKK and is a niece to the applicants. This is a kinship adoption. Her parents parted ways when she was a baby and the paternal grandmother became a legal guardian and the 2<sup>nd</sup> applicant assisted in taking care of her. The child was declared free for adoption on 13<sup>th</sup> June 2018 by KKPI Adoption Society under certificate serial number 602. All family members concerned consented to the process.
3. On 7<sup>th</sup> February 2019 the court appointed LJK a the guardian *ad litem* and ordered her and the Director of Children Services to 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 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. The relatives of the child have written and signed consents to allow the 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 LF and ENM and are hereby allowed to adopt Baby AKM.;
  - b) Baby AKM shall henceforth be known as AKF;
  - c) CNM 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;
  - d) the Registrar-General is directed to enter this adoption in the Adopted Children Register; and

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

**DATED and DELIVERED at NAIROBI this 11<sup>TH</sup> day of JULY 2019.**

**A.O. MUCHELULE**

**JUDGE**