



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MURANG'A

ADOPTION CAUSE NO. 2 OF 2018

IN THE MATTER OF THE CHILDREN ACT

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION

BY JSI AND RWS

AND

IN THE MATTER OF THE ADOPTION OF BABY JG (*MINOR*)

JUDGMENT

1. The applicants crave an *adoption order*. The *ex parte* originating summons is dated 29th December 2017. It is brought under the **Children Act** and the Regulations thereunder (hereafter *the Act and Regulations*).
2. The applicants are husband and wife. They have cohabited for over 18 years. Their certificate of marriage is attached. The applicants are aged 51 and 43 respectively. Unfortunately, their union has *not* been blessed with any offspring. They have been living with the adoptive minor since 6th December 2016.
3. The summons is supported by the joint *statement* and separate *verifying affidavits* of the applicants together with a bundle of materials. They include an *affidavit of consent* by L M sworn on 29th December 2017; an *original* report filed by Murang'a County Coordinator for Children Services dated 30th July 2018; and, a further report by the *Guardian ad Litem* filed on 29th October 2018.
4. The minor is a female delivered at Thika Hospital in July 2015. She was abandoned at the facility by her mother. The matter was reported to Thika Police Station by a hospital guard under *OB [Particulars Withheld]*. On 24th August 2015, the Children's Officer, Thika West, recommended that the minor be placed in a children's home. On 26th August 2015, the magistrate's court at Thika *committed* the minor to the care of the House of Charity Children's Home. The *committal order* is annexed.
5. The biological parents of the minor are thus *unknown*. I am satisfied from the materials on record that they *cannot* be traced.
6. I am also satisfied from the Children Officer's Report aforementioned; and, the *Certificate* dated 10th June 2016 issued by *Change Trust*, a registered society under the Act, that the minor is *free* for adoption.
7. I interviewed the child. She is a healthy girl who has fitted in well with the proposed adoptive parents. This was reaffirmed *on oath* by the *guardian ad litem*.
8. Both applicants gave *sworn* testimony. They fully comprehend the *finality* and legal implications of an *adoption order*. Like I stated, they have lived with the minor for well over *two years*.
9. The applicants are Kenyan citizens. The 1st applicant is a sales representative. The 2nd applicant has been a teacher for over 21 years. They own landed property. Details of the title deed, bank accounts and pay slips are attached to the application.
10. Section 154 of the Act vests the High Court with power to make *adoption orders*. I find that it is in the *best interests* of the minor to be adopted by the applicants. I am satisfied that they have the emotional and financial wherewithal to support the child.
11. Upon the grant of the adoption order, the applicants shall assume all parental rights and duties. They shall treat the adopted child as their

own. The adoption order is *final* and shall be binding during the lifetime of the child; and, the adopted child shall have the right to *inherit* the property of the applicants. The applicants shall not give up the child owing to unforeseen behavior or other changes in her character.

12. In the end, I am satisfied that the legal requirements for a *local adoption* have been met. I therefore grant the following orders-

- a) That the applicants be and are hereby allowed to adopt *Baby JG*;
- b) That the name of the child shall now be *JWS*;
- c) That the effective *date of birth* shall be recorded as 28th July 2015;
- d) That the child is presumed to be a *Kenyan Citizen*;
- e) That the Registrar General is directed to enter this adoption order in the Adoption Register;
- f) The *Guardian ad Litem* is hereby discharged. Instead, I appoint *JMK* to be the minor's *legal guardian* in the event that the applicants are incapacitated; or, unable to exercise parental obligations;
- g) That the proceedings and judgment in this cause shall be *sealed*; and, shall *not* be accessible to any person without prior orders of the court.

It is so ordered.

DATED, SIGNED and DELIVERED at MURANG'A this 13th day of September 2019.

KANYI KIMONDO

JUDGE

Judgment read in chambers in the presence of-

The applicants (absent)

Ms. Elizabeth, Court Clerk.