



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
ADOPTION CAUSE NO. 103 OF 2018 (OS)
IN THE MATTER OF THE CHILDREN'S ACT NO. 8 OF 2001
AND
IN THE MATTER OF ADOPTION OF BABY L.
BY
JM & PMK(APPLICANTS)
JUDGEMENT

1. Before court is an amended Originating Summons dated the 14th of June 2019, seeking for orders; -

- a. That the applicants **JM & PMK** be authorised to adopt **BABY L.**
- b. That upon adoption the child be known as **LNM.**
- c. That the Registrar- General do make appropriate entries in the Adopted Children register.
- d. That **RNK & JWK** be appointed legal guardians in respect of **LNM.**

2. By a ruling dated 29th September, 2018 the court appointed **LMP** as guardian *ad litem* and required the said guardian *ad litem* and the Director of Children's Services Department to conduct a social enquiry on the Applicants' fitness and the prevailing circumstances as relates to this adoption and file their respective reports.

3. The necessary reports referred to in paragraph 2 above were filed in court on 23rd November 2018 and 30th January 2019 respectively. Both reports highly recommended the Applicants as suitable and fit persons to be considered for the adoption.

4. The court was informed that the 1st applicant is aged 39 years and is a businessman. Whereas the 2nd Applicant is 41 years and is a human resource officer. The parties contracted customary marriage on the 4th of October, 2012.

5. The applicants do not have a child of their own and desire to adopt one, have a child to nurture whom they can provide a home to and provide all the basic needs. The two have adequate income and fairly reasonable savings. They have several properties and a vehicle. They currently reside at [Particulars Withheld] at the outskirts of Nairobi City in a two-bedroomed spacious house. The child has his own baby cot in the applicants' bedroom. They also have a helper who takes care of the child in their absence.

6. The child, **L** was given up for adoption by his biological mother who was not comfortable with the circumstances of his birth. The child was born on the 6th of June 2016 in Nairobi. And on the 10th of June 2016 the biological mother approached Kenya for Kenya Peace Initiative Adoption Society and in a letter to the said Adoption Society dated the same day, expressed her wish to have the child adopted. She swore an affidavit to that effect on 24th August 2016. The child was committed to Happy Life Children's Home as a child in need of care and protection on 21st September 2016. He was declared free for adoption on the 26th of October 2016, after which the child was placed with the Applicants for foster care from the 14th of July 2017 pending formal adoption.

7. The proposed legal guardian **RNK & JWK**, a husband and wife consented to being appointed as such and are ready to take up responsibility in the event the applicants are not there or are both incapacitated before the minor attains age of majority.

8. Against the above background I have formed the opinion that the Applicants **JM & PMK**, meet the legal requirement necessary for an

adoption order to issue. They are suitable and fit persons to adopt the child herein. The said adoption will be for the best interest of the child, who has found parents, who have provided a home and the much-needed love, care and attention he deserves.

9. The adoptive parents will henceforth rights and obligation of parents towards the child who now becomes their full responsibility with all rights of a child under the law, including the right to inherit the applicants.

10. On the other hand, the legal guardians will take full responsibility over the child should the applicants both die or are incapacitated before the minor is of full age.

11. Consequently, I make the following orders.

- a. That the Applicants JM & PMK be and are hereby authorised to adopt Baby L.**
- b. That the child's name will upon this adoption be LNM.**
- c. That RNK & JWK be and are hereby appointed legal guardians of the child now to be known as LNM.**
- d. That the Registrar General do enter this adoption in the adoption register.**
- e. The guardian *ad litem* be and is hereby discharged from the duties earlier conferred upon her by the court.**

SIGNED DATED and DELIVERED in court this 14th day of November, 2019.

.....

ALI-ARONI

JUDGE

In the presence of:

Counsel for the Applicant.....