



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI LAW COURTS
FAMILY DIVISION
ADOPTION CAUSE NO. 25 OF 2018 (O.S.)
IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF BABY SR

IN THE MATTER OF AN APPLICATION FOR ADOPTION

BY

SNN.....1ST APPLICANT

LNN.....2ND APPLICANT

JUDGMENT

1. The applicants are a Kenyan couple aged 38 and 48 years, respectively. Both do business. They solemnized their marriage on 17th March 2017 at the Registrar's Office in Nairobi. They have no child of their own. On 6th March 2018 they filed this originating summons dated 2nd March 2018 seeking to adopt baby S.R.
2. Baby S.R. was born on 10th November 2016 at Meru Teaching and Referral Hospital to one LW who was found to be suffering from a psychiatric illness and could not take care of herself and the baby. She had previously had another child who had been adopted on 23rd June 2016. The father of the child was unknown. The family on the other hand indicated that they were not able to take care of the child due to financial strain. The uncle SKM had signed consent to the adoption. The child was placed under the care and protection of Neema House Infant Rescue Center on 25th November 2016. The child was formally committed by the Children's Court in Meru in Protection and Care Case No. 28 of 2018. She was declared free for adoption on 28th February 2017 under certificate serial number ****02 by Change Trust. The child was placed with the applicants on 24th April 2017 for bonding.
3. The court on 7th June 2018 appointed LMA as guardian *ad litem* and ordered that she files a report after carrying out a social inquiry to determine the applicant's suitability to adopt the child. A similar report was sought from the Director of Children Services. Both reports were duly filed, and each recommended that the applicant be allowed to adopt the child. The reports found that the applicant was socially, emotionally and financially stable and suitable to adopt the child. It was also found that the child and the applicant 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 dispenses with the consent of the child's mother because of her psychiatric illness.
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 SNN and LNN are hereby allowed to adopt Child SR.;

- b) Child SR shall henceforth be known as CWN;
- c) the child's date of birth shall be 10th November 2016 and shall be deemed to be Kenyan having been born to a Kenyan mother in Meru in Kenya;
- d) PNN is hereby appointed to be the child's legal guardian in the event of the 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 DELIVERED at NAIROBI this 7TH NOVEMBER 2019

A.O. MUCHELULE

JUDGE