



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**IN THE MATTER OF THE CHILDREN ACT 2001**

**AND**

**IN THE MATTER OF BABY M. C. (THE CHILD)**

**ADOPTION CAUSE NO. 151 OF 2015**

**JUDGMENT**

1. **C. W.K and J. W. C hereinafter** to as the 1<sup>st</sup> and 2<sup>nd</sup> applicants respectively seek to be authorised to adopt **M. C.** hereinafter referred to as the Child. That if authorised the child be known as **K. M. W. W.** That the Registrar General be ordered to enter the Child's name in the Adoption Register and that the child be considered a Kenya.

2. The 1<sup>st</sup> applicant is a businessman and the 2<sup>nd</sup> applicant is a project manager. They are married but have no children of their own. Their backgrounds shows they come from stable families. They understand that the child has a right to inherit their estate like any biological child. **M. N. C** a sister to the 2<sup>nd</sup> applicant has agreed to be the legal guardians of the child in the case of the incapacitation or death of either of them.

3. The child in this matter was abandoned by the mother **J. S.** after delivery within Kware sub location. The child was rescued and the area chief referred the child to [particulars withheld] Maternity and was admitted there on the 10<sup>th</sup> of March 2014. The child was later transferred to [particulars withheld] on the 8<sup>th</sup> of April 2014 through the children's department of Kajiado North Sub County. The child's mother was traced by [particulars withheld] maternity social worker and when she was found she indicated that she would wish to officially offer her child for adoption. The mother **J. S.** was accompanied to Kenya Children's Home Adoption society office on the 4<sup>th</sup> June 2014 where she made clear her intention of offering her child for adoption. **J.S.** was taken through the parent offering child for adoption process on the same day and she affirmed that she understood the implications of adoption by signing the certificate of acknowledgment on the 4<sup>th</sup> June 2014. The child was committed to [particulars withheld] for care and protection on the 16<sup>th</sup> of April 2014 vide Protection and Care case no. 12 of 2014 at the [particulars withheld] Children's Court. Six weeks the mother of the child swore and signed an affidavit on the 8<sup>th</sup> September 2014 giving her final consent towards the adoption of the child. The child was freed for adoption by Kenya Children's Home Adoption Society sitting of 15/1/2014 and a freeing certificate serial number [particulars withheld] was issued pursuant to Section 156 (1) of the Children's Act.

4. Kenya Children's Home filed its report on the 9<sup>th</sup> of July 2015. The reports states that the applicants love children and want to have a child who will be a part of their lives. They have parenting skills having taken care of their nieces and nephews. They are financially able with steady jobs. They do not suffer from any chronic diseases. They have the support of the extended family. They have no criminal record. That they are within the age required to adopt and are fit to adopt. They are hardworking and committed Christians. The Adoption Society recommends the adoption of the child by the applicants.

5. The Director of Children Services filed their report on the 6<sup>th</sup> of June 2016. It is observed in the said report that bonding has taken place between the child and the applicants. That the applicants are socially and economically able to take care of the child. That this being a local adoption the applicants have fulfilled the legal requirements for adoption under the provisions of the Children Act. That they have proved capable of taking on parental responsibility over the child during the statutory placement period

prior to adoption during which he has been under their continuous care and control. That the child was given up for adoption by the mother who signed that she has no room in the life of a normal parent and that the adoption will offer the child an alternative family and parents. That the adoption is in the child's best interest and is recommended.

6. The report from the guardian ad litem too is favourable and recommends the adoption. Winnie states that the applicants shower the baby with love, care and support needed by a child. That they are capable of raising the child.

7. The child in this matter was given up by the mother J.S for adoption. Am satisfied that she gave her consent on the 4/6/2014 having signed the consent form and sworn the affidavit of consent to the adoption of a child. In her affidavit she stated that she has 7 other children and is struggling to take care of herself as a single parent and that she approached the Adoption society and informed them of her intentions of offering the child for adoption.

8. This is a local adoption. The applicants have met all the requisite legal requirements for adoption. They love and care for the child. The adoption has been recommended. The child has found parents who love her and want to give her a home and family to be with. The adoption would be in the child's best interest.

9. The Applicants **C. W. K.** and **J. W. C.** are hereby allowed to adopt **baby M. C.** she shall henceforth be called **K. M.W. W. M. N.C** be the legal guardian of the child in the event of death or incapacity of the applicants before the child is of age. I direct the Registrar General to enter this order in the Adoption register. The child was born in Kenya and is therefore a Kenyan by birth and is entitled all the rights that accrue to Kenyan citizens under the Kenya Constitution 2010 and the Kenya citizenship and Immigration Act. I hereby discharge the Guardian ad litem. It is so ordered.

Dated Signed and delivered this **9<sup>th</sup>** Day of **February** 2017

**R.E. OUGO**

**JUDGE**

In the presence of:

.....**For the Applicant**

**Ms. Charity**

**Court Clerk**