



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI LAW COURTS
FAMILY DIVISION
ADOPTION CAUSE NO. 212 OF 2015
IN THE MATTER OF THE CHILDREN ACT 2001

AND

IN THE MATTER OF BABY G.C. (A CHILD)

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION BY

JGN.....1ST APPLICANT

MWM.....2ND APPLICANT

JUDGMENT

1. The 1st applicant JGN and the 2nd applicant MWM are husband and wife. They got married on 16th August 2008 at ACK St. Peter’s Church at Uthiru in Kiambu. The former is self employed and the latter is a lecturer at [particulars withheld] University. They live in their own home at Ruiru, and have a rural home in Embu. They have not been able to have a biological child. On 4th September 2015 they filed this originating summons seeking to be allowed to adopt baby G.C.

2. Baby G.C. was born to her biological mother AK at Vihiga District Hospital on 21st January 2004. The child’s father was DUA. The parents and the child’s grandmother SC signed consent on 4th March 2014 offering the child for adoption through the Child Welfare Society. This followed counselling on the importance of a child being brought up by its biological parents, and the legal implications of adoption. After six weeks they signed the final consents. The child was placed at Springs of Life Children’s Home for temporary care and protection through an order by the Children Court at Kakamega in Care and Protection Case No. 276 of 2014. On 25th August 2014 the child was declared free for adoption by the child Welfare Society and Certificate No. 0772 issued. On 8th September 2014 the child was placed with the applicants for mandatory bonding and has remained with them since.

3. On 15th September 2016 the court appointed BWM as guardian *ad litem*. She conducted a home study of the applicants and found that they had provided a good and clean social environment in which the child has continued to grow and develop. The child has bonded well with them, and with their friends and

members of their extended family. The Director of Children Services conducted a study and filed a report to recommend the adoption, saying that the child appeared happy, healthy and friendly in the home of the applicants; that the child had brought so much joy to the couple. The couple had no criminal record, were medically fit and had the financial means to provide for the child.

4. This court has considered these reports and all the factors of the case, and has formed the opinion that it is in the best interest of the child to be adopted by the applicants. The applicants have provided a conducive home and family environment in which the child will grow and develop. They shall assume all parental rights and duties 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, and that 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.

5. Having been satisfied that all the legal requirements for a local adoption under the **Children Act (Cap 141)** have been met, the following orders shall issue:-

- a) the applicants JGN and MWM are hereby allowed to adopt Baby G.C. who shall henceforth be known as GWG;
- b) the child's date of birth shall be 21st January 2014, and shall be presumed Kenyan by birth having been born to Kenyan parents in Vihiga County in Kenya;
- c) AWN is hereby appointed as legal guardian to the child 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;
- e) the Director of Immigration Services is hereby ordered to issue the child GWG with a Kenyan passport; and
- f) the guardian *ad litem* is hereby discharged.

DATED and DELIVERED this 16th day of MARCH 2017.

A.O. MUCHELULE

JUDGE