



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI LAW COURTS
FAMILY DIVISION
ADOPTION CAUSE NO. 107 OF 2016
IN THE MATTER OF CHILDREN ACT, 2001
AND
IN THE MATTER OF BABY T.T.

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION BY

F K M.....1ST APPLICANT

G C N M.....2ND APPLICANT

JUDGMENT

1. The applicants are a Kenyan couple aged 51 and 49 years, respectively. The 1st applicant is a businessman and the 2nd applicant is a procurement officer. They got married on 29th January 2011 and have no biological children. On 24th August 2016 they filed this Originating Summons seeking to be allowed to adopt the Child T.T. who was born on 28th November 2014.
2. The Child was given out for adoption by its mother S C L. She stated that the reasons for this were financial constraints, the biological father did not want the Child, and she had another child being taken care of by her parents at her rural home and she did not want them to know. She signed the consent on 3rd December 2014 with Little Angels Network Adoption Society. The Child was then admitted at New Life Home Trust where she was committed vide committal order 28th January 2015 vide P&C no. 13/2015 at the Children's Magistrate Court Nairobi. The Child was declared free for adoption by the Little Angels Network Adoption Society on 8th May 2015 and was issued a declaration certificate no. 001656. The applicants have fostered the Child from 12th December 2015 to date having been granted fostering rights by Change Trust Adoption Agency.
3. On 13th April 2017 the court appointed E D G M and M K M as the guardians' *ad litem*. They conducted a home study of the applicants and made a report on 24th May 2017 stating that the child had bonded well with the applicants and the extended family. The Director of Children Services filed a statutory report on 25th May 2017 stating that the applicants were socially, economically and financially

capable of providing for the Child. It further confirmed that the applicants had no criminal record.

4. The court has considered all the reports and is of the opinion that it is in the best interests of the Child to be adopted by the applicants. The applicants have provided a conducive home and environment for the Child to develop, and shall assume all parental rights and responsibilities as though they were the biological parents. They are aware that this adoption order is 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 of the Child.

5. The court is satisfied that the legal requirements for a local adoption have been attained under the **Children's Act 2001** and orders as follows:

- a. the applicants F K M and G C N M are allowed to adopt Child T.T. who shall henceforth be known as T M K;
- b. the Child's date of birth shall be 28th November 2014, and shall be presumed Kenyan;
- c. E D G M and M K M hereby appointed as the legal guardians 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 directed to issue the Child T M K with a Kenyan Passport; and
- f. the guardians' *ad litem* are hereby discharged.

DATED and SIGNED at NAIROBI this 7TH day of JUNE, 2017

A. O. MUCHELULE

JUDGE

DATED and DELIVERED at NAIROBI this 8TH day of JUNE, 2017

W. MUSYOKA

JUDGE