



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI LAW COURTS
FAMILY DIVISION
ADOPTION CAUSE NO.172 OF 2014 (O.S)

IN THE MATTER OF THE CHILDREN'S ACT NO. 8 OF 2001

AND

IN THE MATTER OF S.W. (CHILD)

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION BY

S N N.....1ST APPLICANT

L M N.....2ND APPLICANT

JUDGMENT.

1. The applicants are a married Kenyan couple aged 47 and 41 years, respectively, and have one biological child. They filed Originating Summons dated 23/03/2014 seeking to be allowed to adopt child S.W. who is a female child born on 6/03/1998 at Pumwani Hospital in Nairobi. S.W is a cousin to the 2nd applicant and the biological daughter of S D M C who died on 3/07/2007 and J N M who died on 24/12/09. The child has two older siblings, D M N and E W M. The child was under the care of the 2nd applicant prior to her biological mother's death to date. The child was declared free for adoption on 4/5/2011 as required under **section 156(1)** of the **Children Act No.8 of 2001** by Little Angels Network, an adoption society, and certificate serial [*particulars withheld*] issued to that effect.
2. This is an adoption within the family as one of the applicants is a relative of the child. **Section 158(4)** provides that adoption application shall be accompanied by written consents of certain persons, subject to **section 159**. I note that L M M, the child's guardian and maternal grandmother, has duly given her consent to the proposed adoption as required by **section 158(4)(a)**. The child is currently aged 17 years has given her consent to the adoption as required under **section 158(4)(f)**.
3. This court on 7/08/2014 appointed G G N as the *guardian ad litem* and ordered that she as well as the Director of Children's Services file their reports on the applicants' suitability to adopt the child. The respective reports were duly filed recommending the adoption. The applicants were reported to be socially, emotionally and financially stable and it was indicated that the child had bonded well with both of them during the period she has been under their care.
4. This court is of the opinion that it is in the best interests of the child to be adopted by the

applicants. The applicants have demonstrated their ability to provide a conducive home and family environment to enable the child to grow and develop. They shall assume all parental rights and duties of the biological parents of the child, once adopted, and shall treat the child 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. I am satisfied that all the legal requirements for a local adoption under the **Children Act** have been met and shall issue the following orders:-
- a. that the applicants S N N and L M N are hereby allowed to adopt S.W. who shall henceforth be known as S W N;
 - b. that G G N 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;
 - c. the Registrar-General is directed to enter this adoption in the Adopted Children Register;
 - d. the Director of Immigration Services is hereby ordered to issue S W N with a Kenyan Passport; and
 - e. the guardian *ad litem* is hereby discharged

DATED and SIGNED at NAIROBI this 29TH day of FEBRUARY 2016.

A.O. MUCHELULE

JUDGE

DELIVERED at NAIROBI on the 1ST day of MARCH 2016.

W. MUSYOKA

JUDGE