



**REPUBLIC OF KENYA**

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

**FAMILY AND PROBATE DIVISION**

**ADOPTION CAUSE NO. 241 OF 2015**

**IN THE MATTER OF THE CHILDREN ACT**

**(ACT NO. 8 OF 2001)**

**AND**

**IN THE MATTER OF ABK(MINOR)**

**AND**

**IN THE MATTER OF AN APPLICATION FOR ADOPTION**

**BY**

**EWK AND INM (APPLICANTS)**

**JUDGMENT**

**Background:**

1. Before court is an application for adoption of a child **AB** by way of an Originating Summons as amended on the 7<sup>th</sup> of February, 2019, brought pursuant to **Sections 154 & 158** of the Children's Act and Order 8 Rules 3,4, & 5 of the Civil Procedure Act, where the Applicants seek to adopt the minor and upon such adoption the child be known as **ANK1**. They further seek that **ANK 2** be appointed as a legal guardian to the child and for the Registrar General to make appropriate entries in the Adoption Register.
2. On the 9<sup>th</sup> of June 2016 the court appointed **EW** as guardian *ad litem*, and directed both the Director of the Children's Services Department in Nairobi and the said guardian *ad litem* to investigate the Applicants' fitness to adopt and file their respective reports

**Reports:**

**3. Director of Children's Service Report**

In a report dated 16<sup>th</sup> August, 2018 the court was informed that the two applicants are aged 52 and 48 years respectively. They are both in business and earning well. They have four biological children and their reason of adoption is extremely noble; they wish to provide a home to a needy child.

The child was found abandoned on or about the 19<sup>th</sup> January 2007. The matter was reported at the Ngong Police station. As no one claimed the child she was committed to Huruma Children's home on the 2<sup>nd</sup> of April 2008 and declared free for adoption on the 20<sup>th</sup> of June 2008. She was placed with the Applicants on the 9<sup>th</sup> of May 2008.

The report recommended the adoption.

**Guardian Ad litem's Report:**

4. The guardian *ad litem* filed a report on 24<sup>th</sup> September, 2018. The guardian observed that the child is happy and well taken care of by the

adoptive parents. She has bonded very well with the parents and the other children. She was of the view that it is for the best interest of the child to be adopted as proposed.

5. Based on the above background the court has formed an opinion that the Applicants have met all the necessary legal requirements and that it will be in the best interest of the child to have the Applicants as her parents.

6. Consequently the court orders as follows:

i) **EWK AND INM** be and are hereby authorised to adopt **AB** who will hence forth known as **ANK1**

ii) The Registrar General do register the adoption and issue a certificate.

iii) **ANK2** be and is hereby appointed as the Legal Guardian of **ANK1**

iv) The guardian **EW** is hereby discharge from the obligation earlier bestowed upon her by the court.

**SIGNED DATED and DELIVERED in open court this 30<sup>TH</sup> day of January, 2020.**

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**ALI-ARONI**

**JUDGE**