



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NAIROBI**  
**FAMILY AND PROBATE DIVISION**  
**ADOPTION CAUSE NO. 87 OF 2019**  
**IN THE MATTER OF THE CHILDREN ACT (ACT NO. 8 OF 2001)**  
**AND**  
**IN THE MATTER OF KN(MINOR)**  
**AND**  
**IN THE MATTER OF AN APPLICATION FOR ADOPTION**  
**BY**  
**SME AND RWW(APPLICANTS)**  
**JUDGMENT**

**Background:**

1. Before court is an application for adoption of a child, KN, brought by way of an Originating Summons dated 20<sup>th</sup> May, 2019, and brought pursuant to **Sections 154, 159, 164 & 170** of the Children's Act and Order 8 Rules 3,4, & 5 of the Civil Procedure Act. The Applicants seek to adopt the child and upon such adoption the child be known as **KLN**. They further seek that **LWW** 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 17<sup>th</sup> October,2019 the court appointed Mary K. Konji 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 25<sup>th</sup> November, 2019 the court was informed that the two applicants are husband and wife and wish to adopt the child herein who happens to be a child of the 2<sup>nd</sup> applicant, whom she sired before the marriage to the 1<sup>st</sup> applicant. The applicants are both aged 32 years.

The 1<sup>st</sup> applicant is a [*particulars withheld*] with a local bank in Nairobi, whereas the 2<sup>nd</sup> applicant runs a company she founded after several years of employment. They have a son together who was 9 months at the time of writing the report. They live in Nairobi. Between them, they have an income of about Kshs. 300,000/- a month.

The report recommended the adoption.

**Guardian Ad litem's Report:**

4. The Guardian *ad litem* filed a report on 4<sup>th</sup> December, 2019. She observed that the child is happy and well taken care of by the parents,

the adoptive father having taken parental responsibility over the child as his own daughter and that since infancy the child has known him as a father. She was of the view that it is for the best interest of the child to be adopted as proposed.

5. Considering the facts of the case, the court has formed the opinion that the Applicants have met all the necessary legal requirements for purposes of this adoption and based on the two reports referred to above it will certainly be in the best interest of the child to have the adoption order issue.

6. Consequently,

i) **SME AND RWW** be and are hereby authorised to adopt **KN** who will hence forth be known as **K LNE**

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

iii) **LWW** be and is hereby appointed as the Legal Guardian of the child now known as **KLNE**.

iv) And on her part the guardian *ad litem* **MARY K. KONJI** is hereby discharge from the obligation earlier bestowed upon her by the court.

**SIGNED DATED** and **DELIVERED** this 27<sup>th</sup> day **May, 2020**.

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**ALI-ARONI**

**JUDGE**