



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 96 OF 2018

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

AND

IN THE MATTER OF APPLICATION FOR THE ADOPTION OF GNK

AND

ORIGINATING SUMMONS OF AN APPLICATION FOR AN ADOPTION ORDER

JUDGMENT

1. The Applicant in his Originating Summons, MNK and DNNK (hereafter referred to as the 1st and 2nd Applicants respectively) are seeking the following orders:

- (i) THAT the Applicants, MNK and DNNK be authorized to adopt GNK**
- (ii) THAT RWKO be appointed as Guardian Ad Litem to GNK**
- (iii) THAT Director of Children's Services, Children's Department, Nairobi do provide an assessment report with regard to adoption of the infant herein.**
- (iv) THAT WNK be appointed as the Legal Guardians to GNK. upon granting of the adoption order.**
- (v) THAT the Registrar General be ordered to make the entries in the Adopted Children's Register in respect of GNK.**

2. The Applicants who are a couple aged 51 years and 60 years respectively reside in America and they have dual Citizenship.

3. The Applicants have their own biological children namely:

- i. JNK born on 18.6.1989**
- ii. MW born on 2.10.1981**
- iii. JMK born 25.4.1997**

4. The Applicants have approached this Court seeking to adopt GNK who was born on 25.1.2006. (hereafter referred to as the child).

5. The Child is a niece to the applicants having been born to DKM and FKN who died on 19.4.2006 at Kenyatta National Hospital.

6. The biological father of the child DKM gave consent for the adoption as evidenced by an affidavit he swore dated 12.7.2018 filed in Court on 13.7.2018.

7. The Director of Children Services investigated this matter and filed a report in court dated 12.10.2018. The guardian ad litem and CHANGE TRUST ADOPTION Society also filed reports dated 22.10.2017 and 31.8.2018 respectively.

8. I have carefully considered the Originating Summons together with the Supporting documents and the reports filed herein and my findings are as follows:

(i) This is a Kinship Adoption since the Child is a niece to the Applicants.

(ii) The Consent of the biological father was obtained in accordance with Section 158 of the Children Act.

(iii) The Applicants are qualified to adopt the child and I find that it is in the best interest of the child that the adoption be allowed.

(iv) I order that the Applicants be and are hereby allowed to adopt the child and to name her GNK

(v) The legal guardian of the child shall be WNK in case of incapacity by the Applicants before the child reaches the age of majority.

(vi) The Registrar General is hereby directed to enter this order in the adoption Register.

(vii) The Child to be presumed to be a Kenyan Citizen.

(viii) Orders to issue accordingly.

DELIVERED, SIGNED AND DATED IN OPEN COURT THIS 30TH DAY OF NOVEMBER, 2018

ASENATH ONGERI

JUDGE OF THE HIGH COURT OF KENYA, NAIROBI

IN THE PRESENCE OF:

Miss Adongo holding brief for Mr. Kimani for the Applicants.