



**REPUBLIC OF KENYA**

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

**ADOPTION CAUSE NO. 179 OF 2014 (OS)**

**AND**

**IN THE MATTER OF THE CHILDREN'S ACT**

**(NO. 8 OF 2001)**

**AND**

**IN THE MATTER OF BABY A F**

**JUDGEMENT**

1. The applicants, A Q N A and A Q A, are of Kenyan and Tanzanian nationality respectively. They are a married couple. By their Originating Summons dated 9<sup>th</sup> July 2014, they seek to adopt a female child called A F.
2. The subject child, A F, was born on 1<sup>st</sup> December 2003 in Pakistan to the female applicant and another during a previous marriage which ended after a divorce. The female applicant later met the male applicant and moved in together with him and later married him formally in a ceremony in 2008. The male applicant took in the child. The couple have since had two biological children of their own. The record indicates that the biological parents of the child separated when the mother was still pregnant with the child. The biological father and the child therefore never got to interact.
3. This adoption is being arranged by the Little Angels Network adoption agency. The said adoption agency declared the child free for adoption through their certificate of 26<sup>th</sup> March 2014.
4. To facilitate this adoption, the applicants have been assessed by the Little Angels Network adoption agency, the guardian *ad litem*, S D, and the Director of Children Services. All three have compiled and filed their reports in court. The report by the Director of Children Services is dated 29<sup>th</sup> January 2015, while that by the Little Angels Network is dated 26<sup>th</sup> March 2014. The report of the guardian *ad litem* is dated 13<sup>th</sup> November 2014.
5. All these reports are favourable and recommend the proposed adoption. The applicants have demonstrated that they have the financial and emotional capability and capacity to take care of the child. The child appears to have bonded well with them and she considers them to be her parents. I note that the applicants have two biological children of their own, and that the female applicant is the biological mother of the child in issue.
6. In the opinion of this court it would be in the best interests of the child that she is adopted by the applicants. The applicants will be able to provide a home and a family for the child to grow up in and thereafter be a useful member of the family. Consequently, the applicants shall assume all parental rights and duties of the biological parents in respect of the adopted child; they shall treat the adopted child as if she was born to them. The applicants 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 cannot give up the child owing to any subsequent unforeseen behaviour or other changes in the child.
7. This being an adoption within the family, I find that the application before me has merit and I hereby

permit the applicants, A Q N A and A Q A, to adopt A F to be known hereafter as A Q A. I hereby appoint M R S and A Z S the child's legal guardians should misfortune befall the applicants during the child's minority. I direct the Registrar-General to enter this adoption order in the adoption register. The guardian *ad litem* is hereby discharged.

**Dated, signed and delivered at Nairobi this 10<sup>th</sup> day of April 2015.**

**W MUSYOKA**

**JUDGE**

**In the presence of Ms. Kalsi advocate for the applicants.**