

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MILIMANI

ADOPTION CAUSE NO. 211 OF 2013 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF BABY J K

RULING

1. The applicants, P K K and M M N, are Kenyan citizens. They are a married couple who are currently resident in Kenya. They seek to adopt Baby J K. Their originating summons is dated 5th October 2012.
2. I have gone through the record, and I have noted that the applicants have not nominated any one to act as a guardian in respect of the subject child should misfortune befall them.
3. An adopted child is strictly speaking a stranger introduced into the family of the adopting parents. Often sections of the family do not accept such a child into the family, although they may not voice their opposition to the adoption loudly. In the event of misfortune, such as death befalling the adoptive parents, such children would have nobody to care for and protect them. Appointment of guardians to stand in for the adopted child's departed adoptive parents is therefore critical. Such appointment would be in the best interests of the child.
4. To ensure that the child the subject of these proceedings is fully and completely protected, I hereby delay the determination of the originating summons is dated 5th October 2012. I will give the applicants thirty (30) days to identify a guardian or guardians for appointment by the court, and to obtain and file the consents of such prospective guardians in court.
5. The matter shall be mentioned in court after 30 days.

DATED, SIGNED and DELIVERED at NAIROBI this 25th DAY OF April, 2014.

W. MUSYOKA

JUDGE

In the presence ofadvocate for the applicants.