

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO.26 OF 2012

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF F W - MINOR

L W M.....1ST APPLICANT

P A M.....2ND APPLICANT

JUDGMENT

The Applicants, L W M and P A M, are husband and wife. They were married under customary law in 2004. The marriage was formalized under the **Marriage Act** on 6th November 2009. The 1st Applicant is a Kenyan citizen while the 2nd Applicant is French. The 1st Applicant is a business lady while the 2nd Applicant is a Veterinarian working with *[particulars withheld]* in Nairobi. The 2nd Applicant has three (3) children from a previous marriage. The Applicants have been blessed with one child who was born on 6th June 2006. They have applied to this court to be allowed to adopt baby F W (the child). The child was born on 11th May 2001 to the 1st Applicant before she was married to the 2nd Applicant. These adoption proceedings are meant to formalize the relationship between the child and the 2nd Applicant. Due to the fact that the adoption order issued by the court will have citizenship implications for the child, the Applicants have obtained a letter from the Office of the International Adoption Mission under the Directorate of French Nationals Abroad and Consular Administration under the Ministry of Foreign Affairs confirming that should this court issue an adoption order, the child will be accorded the citizenship of the 2nd Applicant. The letter is dated 19th March 2014.

Prior to the hearing of the adoption, the Adoption Society, Kenya Childrens' Home, prepared a report which is filed in court. They also issued a certificate declaring the child free for adoption. The Director of Children's Services has also prepared a report which is on record. The guardian ad litem, S K M, prepared a report which has been filed in court. All the reports are favourable and recommend that the court allows the applicants to adopt the child. I have evaluated the facts of this adoption. This is a local adoption. It is evident that the applicants have fulfilled all the legal requirements relating to the adoption of the child. This is an adoption within the family. The adoption sought is meant to formalize the relationship between the child and the 2nd Applicant. All the requisite consents have been obtained. This court is satisfied that the Applicants are qualified and able to take care of the child. The home visits by the guardian ad litem, the Adoption Society and the Director of the Children Services established that the Applicants have the financial and emotional capability to provide for the upkeep and education of the child. This court observed that the applicants with the child in court. It was evident that in the period that the applicants have had the custody of the child, the child has bonded well with them. The child considers the 2nd Applicant her father.

This court formed the opinion that it would be in the best interest of the child to be adopted by the applicants. I allow the applicants application for adoption. The Applicants L W M and P A M are hereby allowed to adopt Baby F W. Henceforth the child shall be known as F W M. O W K, the niece of the female applicant shall be the legal guardian of the applicant should such eventuality arise. I direct the

Registrar General to enter this order in the adoption register. I hereby discharge the guardian ad litem. It is so ordered.

DATED AT NAIROBI THIS 23RD DAY OF APRIL, 2014

L. KIMARU

JUDGE