

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 270 OF 2013

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF S S W - MINOR

R E L.....1ST APPLICANT

F M W L.....2ND APPLICANT

JUDGMENT

The applicants, R E L and F M W L, are husband and wife. They were married on 23rd September 2011. The 1st applicant is a Germany citizen while the 2nd applicant is a Kenyan Citizen. The 1st Applicant is a Scientist while the 2nd applicant is a Program Officer. Both applicants work for World Agroforestry Centre (ICRAF) in Nairobi. The applicants have been blessed with one (1) child, a son. They have applied to this court to be allowed to adopt baby S S W (the child). The child was born on 2nd March 2004 to the 2nd applicant before she was married to the 1st applicant. The child's father is said to have denied paternity. The applicants have had custody of the child since the celebration of the marriage. These adoption proceedings are meant to formalize the relationship between the child and the 1st applicant.

Prior to the hearing of the adoption, the adoption society Little Angels Network, prepared a report which is filed in court. They also issued a certificate declaring the child free for adoption. The certificate is dated 17th July 2013. The Director of Children's Services has prepared a report which is on record. The guardian ad litem, F K, 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. The consent of the biological father of the child has 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 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 applicants her parents.

This court formed the opinion that it would be in the best interest of the child to be adopted by the applicants. This is an adoption within the family. I will allow the applicants' application for adoption. The applicants, R E L and F M W, are hereby allowed to adopt Baby S S W. Henceforth the child shall be known as S S L. Her date of birth shall be 2rd March 2004. Her place of birth shall be Nairobi-Kenya. She is presumed to have been born in Kenya. V L, a brother of the male applicant shall be the legal guardian of the child 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 11TH DAY OF APRIL, 2014

L. KIMARU

JUDGE