



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MILIMANI**  
**ADOPTION CAUSE NO. 64 OF 2014 (OS)**  
**AND**  
**IN THE MATTER OF THE CHILDREN'S ACT**  
**(NO. 8 OF 2001)**  
**AND**  
**IN THE MATTER OF BABY I N**  
**JUDGEMENT**

1. A A S W and S W N are a married Kenyan couple. They seeks to adopt a Kenyan male child, known for the purposes of these proceedings as Baby I N. Their Originating Summons is dated 18<sup>th</sup> February, 2014.
2. Baby I N was born on 29<sup>th</sup> May 1996 to the female applicant and one P W G. The male applicant is therefore not his biological father. The said biological father was in a relationship with the female applicant but the two were not married. The relationship ended two years after the child was born and each of the parents went their own way. The biological father of the child did not take up responsibility for the child leaving him at the care of the female applicant, who subsequently married the male applicant on 11<sup>th</sup> December 2004. The child has been raised by both applicants since 2004 and has known no other father. I note that he has consented to being formally adopted by the first applicant.
3. This adoption is being arranged by the Little Angles Network adoption society, who freed the child for adoption vide their certificate dated 26<sup>th</sup> February 2014.
4. To facilitate this adoption, the applicant has been assessed by the Director of Children Services and the guardian *ad litem*, K O O The two have compiled and filed their reports in court. The said reports are dated 10<sup>th</sup> April 2014 and 14<sup>th</sup> March 2014, respectively.
5. All these reports are favourable and recommend the proposed adoption. The applicants have filed documents that demonstrate 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 he considers them to be his parents. They have two other children of their own.
6. In the opinion of this court it would be in the best interests of the child that he 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 and society at large. 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 he 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. I am satisfied that all the legal requirements for a local have been met and I hereby make the final orders:-
- a. that the consent of the biological father of the child is hereby dispensed with as he abandoned the said child at two years of age;
  - b. that the applicants, A A S W and S W N are hereby allowed to adopt the child, I N, who shall hereafter be known as I N S;
  - c. that N N is hereby appointed the legal guardian of the child in the event of the untoward happening to the applicant;
  - d. that the Registrar-General is directed to enter this adoption order in the adoption register; and
  - e. that the guardian *ad litem* is hereby discharged.

DATED, SIGNED and DELIVERED at NAIROBI this 26<sup>th</sup> DAY OF May, 2014.

**W. MUSYOKA**

**JUDGE**

**In the presence of Mr. Kamencu advocate of the applicants.**