

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 293 OF 2012

IN THE MATTER OF THE CHILDRENS ACT, 2001

AND

IN THE MATTER OF BABY Z ALIAS Z M J (MINOR)

J N N.....1ST APPLICANT

J N J2ND APPLICANT

J U D G M E N T

The applicants, J N N and J N J, are husband and wife. They were married on 9th November 2006 under the **Marriage Act**. They are business people. The Applicants have so far not been blessed with any children due to medical reasons. The 1st Applicant has three (3) biological children from a previous marriage. All the children are now adults. The three children have given their consent to the applicants to adopt a child. They have applied to this court to be allowed to adopt baby Z alias Z M J (the child). The child was born on 25th December 2010 at Thika Level 5 District Hospital. He is the son of M K. The child's biological father's name is unknown. The biological mother gave the child up for adoption at birth through Child Welfare Society of Kenya Adoption Society. The child was handed over to Happy Life Children's Home for care and protection. He was committed by the Thika Children's Court to the custody of the said Children's Home on 18th March 2011 pending formal adoption proceedings. The child was placed under the custody and care of the applicants for mandatory foster care pending adoption pursuant to a foster care agreement that was signed on 10th February 2012. They took custody of the child on the same day. Since then, the child has been in the continuous custody and care of the applicants.

Prior to the hearing of the adoption, the Child Welfare Society of Kenya, an adoption society, prepared a report which is filed in court. They also issued a certificate declaring the child free for adoption. The certificate is dated 25th February 2013. The Director of Children's Services also prepared a report which is on record. The guardian ad litem, H M 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. The consent of the biological mother 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 and emotional capability to provide for the upkeep and education of the child. This court observed 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 his parents.

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, J N N and J N J, are hereby allowed to adopt Baby Z alias Z M J. Henceforth the child shall be known as Z M J. His date of birth shall be 25th December 2010. His place of birth shall be Thika Level 5 District Hospital, Thika Kenya. He is presumed to be a Kenyan Citizen by birth. C K J 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 27TH DAY OF JUNE, 2014

L. KIMARU

JUDGE