

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 324 OF 2013

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF TIMOTHY M N (CHILD)

C M G1ST APPLICANT

G W N 2ND APPLICANT

J U D G M E N T

The applicants, C M G and G W N, are husband and wife. They were married on 9th August 2008. The 1st applicant is a lecturer at *[particulars withheld]* while the 2nd applicant is a curriculum developer currently working for the *[particulars withheld]* in Nairobi. The 1st applicant was married to the late E W from 1979 until 2007 when she died. They were blessed with two (2) children who are now adults. The 2nd applicant was married to the late S M N from 1995 until 2005 when he died. They were also blessed with two (2) children of their own aged respectively 17 and 13 years. They have applied to this court to be allowed to adopt T M (the child). The child was born on 15th January 1997. He is the son of the 2nd applicant. This is therefore an adoption within the family.

Prior to the hearing of the adoption, Kenya Children's Home, 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 12th September 2013. The Director of Children's Services also prepared a report which is on record. The guardian ad litem, J G 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 also an adoption within the family. 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 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 his parents. The biological children of the applicants have accepted the child as their sibling.

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, C M G and G W N, are hereby allowed to adopt the child, T M N. Henceforth the child shall be known as T M N M. F K M and J W N, the brother and sister in-law to the biological father of the child shall be the legal guardians 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 31ST DAY OF OCTOBER, 2014

M. MUIGAI

JUDGE