

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO.256 OF 2012

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF BABY I - MINOR

R W..... APPLICANT

JUDGMENT

The applicant, R W is a sole male applicant. The applicant got married to the mother of the child, J K W (the deceased) on 3rd December 2005. The mother of the child died in a road traffic accident in Tanzania on 26th July 2009. At the time of the marriage, the deceased had two children (including the child in these proceedings) from a previous relationship. The applicant is a step father of the children. The applicant wishes to adopt both children. In the present proceedings, Baby I was born on 18th September 1999. The applicant has lived with the child since 2005 when he got married to the deceased. Since the death of the deceased, the child has continued living with the applicant. The applicant is a Marketing Researcher by profession. The child was declared free for adoption by KKPI Adoption Society on 30th May 2012.

Prior to the hearing of the adoption, the KKPI, an adoption society prepared a report which is filed in court. The Director of Children's Services prepared a report which is on record. The guardian ad litem, P S K, prepared a report which has been filed in court. All the reports are favourable and recommend that the court allows the applicant to adopt the child. I have evaluated the facts of this adoption. This is a local adoption. It is evident that the applicant has fulfilled all the legal requirements relating to the adoption of the child. The biological father of the child is unknown to the family of the deceased. Therefore, the family of the deceased through the maternal uncle of the child (who is a Tanzanian) N K gave consent to the proposed adoption by the applicant. This court is satisfied that the applicant is 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 applicant has the financial and emotional capability to provide for the upkeep and education of the child. Infact, the applicant is currently providing for the educational needs of the child, who is a standard seven pupil in a private school. This court observed that the applicant with the child in court. It was evident that in the period that the applicant has had the custody of the child, the child has bonded well with him. The child considers the applicant his parent.

This court formed the opinion that it would be in the best interest of the child to be adopted by the applicant. This is an adoption within the family. I will allow the application for adoption. The applicant, R W, is hereby allowed to adopt Baby I. He shall henceforth be known as M A W. C M M and S S D, the sister of the applicant and her husband 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 28th DAY OF OCTOBER, 2013

L. KIMARU

JUDGE