



IN THE MATTER OF THE CHILDREN ACT (Act. No.8 of 2001)

AND

IN THE MATTER OF KK

COURT AUTHORITY FOR ADOPTION (S.154 OF THE CHILDREN ACT)

JUDGEMENT

MR. P.K.N aged 51 years (**the male applicant**) and **J.K.N** aged 41 years (**the female applicant**) are Kenya citizens. They are man and wife. They solemnized their marriage at [particulars withheld] [particulars withheld] in 1997 as evidenced by their certificate of marriage no. [particulars withheld] .

The Applicants made an application to this court on 2.11.2006 by way of Originating Summons dated 31.10.2006 seeking under Section 154(1) of the Children Act, Cap 141, authority of this court to adopt a child known as **K.K (the child)**aged 11 years.

The child was abandoned at **Prestige Health Point and Medical Centre** in May 2002. He was admitted to Mama Ngina Children Home on 3.4.2002. On 21.5.2002, he was referred Missionaries of Charity Home and on 3.8.2002 he was committed to the Home by the Nairobi Children Court in case No. P & C 103 of 2005. The child was placed in the care and control of the applicants on 25th July 2004 and is said to be in good health and to have bonded well with the Applicants. The child was freed for adoption on 30th November 2007 by the Child Welfare Society of Kenya as is evidenced by Certificate No.[.....].

The motivation on the part of Applicants to adopt the child is predicated on their need to have a family because of medical condition on the part of the female applicant who is unable to conceive.

The Male Applicant and the Female Applicant profess the Christian faith. The Male Applicant is a Lecturer at the [particulars withheld] University while the Female Applicant is a teacher at [particulars withheld] School. The Applicants' marriage seems stable and the applicants are realistic about marital challenges. They own a house at [particulars], Nairobi. They have sufficient means and stable employment and can raise and educate the child. They reside at Spring Valley Nairobi.

Neither Applicant has a criminal record. They are said to be in good health. In the event that they are incapacitated or die or are otherwise unable to care and raise the child, they have undertaken to appoint a legal guardian to the child to step in their shoes and take up the responsibility of caring and raising the child.

The Applicants and the child have been assessed and evaluated by **The Child Welfare Society of Kenya**, a registered Adoption Society in Kenya and by the **Director of Children Services** and the **Guardian ad Litem, P.M.K.** I have perused the assessment and evaluation reports. They are favourable. The Applicants have had care and control of the child since 25th July 2005 and were evaluated before presenting the adoption application. They have complied with the provisions of the Children Act including S.157 of the Children Act. As both the Applicants are Kenya citizens, and as I am satisfied that they qualify to adopt and as the adoption is in the best interest of the child, the authority sought ought to be granted.

Accordingly, I grant the Applicants authority to adopt the child and I make the following orders:

1. I dispense with the consents of the biological parents of the child.
2. The Applicants, **P.K.N** and **J.K.K** are hereby authorized to adopt the child, **K.K.**
3. The said child shall henceforth be known as **K.K.**
4. The date of birth of the child, **M.K.K** is **December 2001.**
5. The Registrar General is hereby directed to enter this adoption in the Register of Adoptions.

6. For the avoidance of doubt, the rights and duties of the natural parents of the child are hereby extinguished and all the parental rights, duties, obligations and liabilities of the child, **M.K.K**, now vest in and shall be exercisable by and enforceable against the Applicants as the adopting parents as if the child were born in wedlock to the adopting parents and the child, to all intents and purposes, now stands to the adopting parents as a child born in wedlock and both the adopting parents shall henceforth be the lawful father and mother of the child.

Dated at Milimani Law Courts, Nairobi, this 14th day of June 2012.

G.B.M. KARIUKI, SC
JUDGE

COUNSEL APPEARING

Miss Muniafu Advocate, of Muniafu & Co., Advocates for the Applicants

Mr. Kugwa – Court Clerk