



REPUBLIC OF KENYA

High Court at Mombasa

Adoption Cause 1 of 2011

IN THE MATTER OF: CHILDREN'S ACT NO. 8 OF 2001

AND

IN THE MATTER OF: AN APPLICATION BY F. K. T. AND J. N. W. FOR AN ORDER OF ADOPTION

AND

IN THE MATTER OF: ADOPTION OF E. T. (THE CHILD)

AND

F. K. T..... 1ST APPLICANT

J. N. M. 2ND APPLICANT

JUDGMENT

(1) Pursuant to section 154, 158 (3) (a), 159 and 160 of the Children's Act 2001 the Applicants who have been married to each other since 12th April 2003 seek to adopt the child the subject of these proceedings with whom they have lived since 1st April 2010 under a care agreement with New Life Home Trust, the adoption society herein.

(2) A guardian ad litem was appointed on the 10th February 2011. The Children's Department, Mombasa has pursuant to order of the court dated 28th February 2012 prepared a Children Officer's Report dated 27th April 2012. The two Applicants, together with Children Officer who investigated the matter, gave oral testimony before the court on the 18th July 2012 whereupon counsel for the Applicants submitted and judgment was reserved.

(3) There is no question that the best interest of the child will be served in securing a home and family environment for the child who will thereafter be able to enjoy the rights to care, education, food, and identity that adopting parents will be able to provide. I have noted that the child was abandoned after birth on 24th April 2009 and upon rescue taken to the New Life Home Trust on 27th April 2009 before she was placed with the Applicants on 1st April 2010.

The Applicants are Christians of Anglican faith with no children of their own but who have lived with the child for the last 2 years. The Applicants are business persons, aged respectively 43 and 37, and therefore

reasonably placed to provide for the child, and the Children Officer's report find them suitable in the following words:

“The Applicants in our opinion meet the requirements for adoption under section 158 of the Children Act 2001. They have proved under section 157 of the Children Act 2001 that they are capable of taking on the responsibility of adoption successfully. The Applicants also meet the social parameters considered important for taking on permanent parental responsibilities and custody of the child as would be conferred by an adoption order.”

I have also noted the Applicants' tertiary level of education which places them in good stead to secure the educational and also social needs of the child, and the acceptance of the Guardian to take up responsibilities over the child in the event of incapacity or demise of the Applicants.

(4) Accordingly, I grant the Applicants' Originating Summons dated 25th January 2011 in terms of prayers (a), (b) and (c) thereof and further appoint the proposed Guardian Ms NNN as the child's Guardian for purposes of section 164 of the Children's Act 2001.

Dated and delivered on this 9th day of November 2012.

**EDWARD M. MURIITHI
JUDGE**

In the presence of: -

Miss Ngugi for the Applicants

Linda Court clerk