



IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF J.M

J.G.....1ST APPLICANT

Z.W.M.....2ND APPLICANT

J U D G M E N T

1. The above named Applicants seek orders of adoption of a child under Sections 154, 156(1), 157(1), 158(a) and 4(a), 159(4), (6), (7) and 8(a), 160(1), (2) 163, 164(1) and 170 of the Children's Act, No.8 of 2001 and Section 24 of the Interpretation and General Provisions Act Cap.2, Laws of Kenya and I note that in the Originating Summons dated 9th February 2010, they specifically seek orders that one, T.W.K, be appointed Guardian ad Litem and that the Director – Children's Department, Office of the Vice President, Ministry of Home Affairs be ordered to file a Report on the Applicants fitness and/or suitability to adopt the child, presently J.M.
2. On 21st May 2010, Nambuye, J. appointed the Guardian ad Litem and the Report by the Director of the Children's Department in the Ministry of Gender, Children and Social Development was filed on 1st March 2011. I am now required to determine whether the Applicants should be granted orders to adopt the child, subject of these proceedings and in doing so, I further note as follows;
3. The child was born to Z.W.M, the 2nd Applicant on 19th May 1999 and the 1st Applicant got married to the 2nd Applicant on 26th May 2007. The proposed adoption is therefore within their immediate family.
4. At the hearing of the Summons, Ms. Ajula of the Little Angels Network confirmed that by a Report filed on 24th March 2011, the child was free to be adopted and a certificate to that effect was filed in court on 24th the same day.
5. With the above background in mind, and since the 2nd Applicant is biologically related to the child and the suitability of both Applicants as adoptive parents having been established, it is in the child's best interest that the order of adoption should be granted and I so order as prayed in the Summons dated 9th February 2010.
6. In the event, I will order that;
 - (i) J.G and J.Z.W.M be allowed to adopt the child presently known as J.M.
 - (ii) The child should henceforth be known by the names, J.G.M.
 - (iii) The Registrar General should make the appropriate entry in the Adopted Children's Register.
 - (iv) The Guardian ad Litem is discharged.
 - (v) Costs will be in the Cause.
7. Orders accordingly.

DELIVERED, DATED AND SIGNED AT NAIROBI THIS 1ST DAY OF JULY, 2011

I. LENAOLA

JUDGE