



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI
ADOPTION CAUSE NO.26 OF 2011
IN THE MATTER OF THE CHILDREN ACT, 2001
AND
IN THE MATTER OF C.K – MINOR

R.K.K. N.....1ST
APPLICANT

J.C. R.....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(1)(2)(d) and 4(a), 159(4), (6), (7) and 8(a), 160(1), (2) of the Children’s Act, No.8 of 2001 and in the Originating Summons dated 11th February 2011, they specifically seek orders that one, L.J.K, be appointed Guardian ad Litem and that the Director – Children’s Department, Office of the Vice President, Ministry of Home Affairs do file a report on the Applicants fitness to adopt the child C. K (*hereinafter “the child”*).
2. On 11th March 2011 by Kimaru J. appointed L.J.K aforesaid as 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 24th May 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 note as follows;
3. The child was born to J.C.N (deceased) and J.K.M. His father died on 8th November 2005 and his mother, unable to take care of him, has filed a consent to voluntarily give him up for adoption. In fact, the Applicants took him into their custody soon after his father’s death and in her Affidavit sworn on 5th February 2011, the biological mother has sworn that the 1st Applicant is her late husband’s biological brother and is best placed to take care of him.
4. At the hearing of the Summons, Ms. W.K of the KPPI Adoption Society confirmed that by a Report dated 9th February, the child was free to be adopted under Section 159(a) (i) of the Children’s Act and a certificate to that effect was filed in court on 17th February 2011.
5. Before me is also a Report dated 23rd May 2011 filed by the Director of Children’s Services and in it, he recommends that final adoption orders should be granted in favour of the Applicants.

6. With the above background in mind, and noting that the Applicants are biologically related to the child and their suitability 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 11th February 2011.

7. In the event, I will order that;

- (i) R.K.K.N and J.C.R be allowed to adopt the child.
- (ii) The child should retain and be known by his given name, C. K.
- (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.

8. Orders accordingly.

DELIVERED, DATED AND SIGNED AT NAIROBI THIS 20TH DAY OF AUGUST, 2011

I. LENAOLA

JUDGE