

**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)**

Adoption Cause 87 of 2008

IN THE MATTER OF THE ADOPTION OF F A F K N (MINOR)

JUDGMENT

The Applicants herein solemnized their marriage under the African Christian Marriages and Divorces Act (cap 151) in the year 1990 after they have been cohabiting since 1974. They are following Christian Religion (Catholic) and intend to inculcate the same religious beliefs to the children.

The first Applicant is born in the year 1950 and the 2nd Applicant was born in 1955. The 1st Applicant is a retired police officer since 2005 and the 2nd Applicant is a house wife. Both of them have siblings and the extended family members are very supportive of the proposed adoption. They had six children (4 girls and two boys) out of whom only three daughters are surviving, one of them **JK** around 25 years of age was interviewed by the official of Director of Children Services. According to her, the objective of adoption of the child is properly understood by her and she respects the same. Moreover, the child is taken in as one of them and the daughters consider him as their brother.

The reasons behind the adoption are amongst others to help a needy child and to substitute him for their two sons who died in their infancy.

The financial position of the Applicants is well described in the report of the Director of Children Services. The 1st Applicant earns Shs.11,500. In monthly pension, has 8 acres of land at Kawauni and has sufficient income from farm products like coffee and french beans. They have an adequate living facility and as per the report of “**the environment is quite conducive for his growth and development of the child**”.

The child in this matter was born on 29th October, 2002 and was found abandoned by unknown persons within the compounds of Kariobangi Catholic Church in Kariobangi area on 29th January, 2003. The incidence was reported at Kariobangi Police Station and it was recorded vide OB No.10130/1/2003. The police officers referred him to Missionaries of Charity Children’s Home. The child was committed to their care and protection by the order dated 17th August, 2005 made by the children’s court in P&C.No.146 of 2005. The child was placed under Foster care and custody of the applicants vide a Foster Agreement signed on 5th May, 2006. Since that day the child is with the applicants. After getting consent from the administrator of the said home for the adoption, the present application was filed.

The report further observes that the Applicants are mature, responsible and emotionally as well as socially and financially capable to look after the child. It also observed that this adoption has support of their wider family. Thus the adoption is whole heartedly recommended. The similar view is expressed by the report from Kenya Christian Homes, an Adoption Society registered under the Children Act. The certificate to free the child for adoption is issued on 24th May, 2007 by the said Adoption Society.

The guardian ad litem also has expressed the same opinion.

In the premises, I do not have any negative issue against this adoption proposed by the Applicants. I grant them authority to adopt the child who shall be known henceforth as **FKN** whose date of birth be

recorded as 29th October, 2003.

The said orders be entered in the Adoption Register.

The guardian ad litem be discharge.

Dated and signed at Nairobi this 23rd day of January, 2009.

K.H. RAWAL

JUDGE

23.1.09