

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MILIMANI LAW COURTS
IN THE MATTER OF ON (CHILD)
AND
IN THE MATTER OF THE CHILDREN ACT, 2001
ADOPTION CAUSE NO. 164 OF 2004

JUDGMENT

Before me is an Originating Summons filed by Eboso & Wandago advocates on behalf of the applicants EL and CAM for the adoption of an infant ON.

The Originating Summons was filed with a statement of both the applicants, who are husband and wife. The infant is the biological child of one of the applicants CAM who was born on 25th July 1996 before the applicants were married and outside wedlock. The applicants were born on 5th December 2000. EL was originally from Italy. Both are working in Kenya.

The court appointed an initial guardian ad item who relocated to another place. The said guardian ad litem was replaced by CL. Reports were filed by the Director of Children Services, the guardian ad litem, as well as the declared the Child Welfare Society who child as free fro adoption. I also heard oral evidence from Alex Wamakobe from the office of the Director of Children Services, Felistas Mwakali from the Child Welfare Society, and CL the guardian ad litem.

This adoption is a family adoption, in that one of the applicants CAM is the mother of the child. The said CAM got the child outside wedlock, but later got married to the EL who is the other applicant. This, in my view, is regularization of a natural family relationship. I am of the view that the adoption will be in the best interests of the child. It will give continuity to an existing family application for relationship. Consequently, I will allow the adoption and order as follows –

1. The applicants EL and CAM be and are hereby authorized to adopt child ON to be know as ONL.
2. I direct the Registrar General to make an entry of this adoption in the Adopted Children Register in the prescribed form.

Dated and delivered at Nairobi this 2nd day of May 2007.

George Dulu

Judge

In the presence of –

Mrs. Kawere for applicants