



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

Adoption Cause 59 of 2005

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF MN(A CHILD)

JUDGMENT

On 11.05.05 GKK and SIK filed originating summons under sections 154 and 158 of the Children Act, 2001 applying for the following orders:-

1. That the applicants, GKK and SIK be authorized to adopt MN (infant).
2. That if the adoption is granted the said infant be known as NKK.
3. That the costs of this application be in the cause.

The court record establishes that the applicants are husband and wife, respectively. They are Kenyans of the African race and got married on 08.12.90 at P.C.E.A, Bahati, Nairobi under the African Christian Marriage and Divorce Act (Cap.151). They have cohabited together as husband and wife but have been unable to get children of their own, for biological reasons.

The first applicant, GKK is 43 years old while the second applicant, SIK is 40 years old. Both are Kenyan citizens and are domiciled in Kenya. **The child to be adopted, a boy of African race, was found abandoned immediately after birth in a maize plantation at (PARTICULARS WITHHELD) the Western Province of Kenya on 06.07.04. He was rescued by Kakamega police and taken to Kakamega Provincial General Hospital for medical care. Thereafter the child was committed into the custody and care of New Life Home Trust on 27.08.04. The applicants took custody and control of the child on 26.10.04 and have had custody and control of the child ever since.**

Reports from the Department of Children's Services, Child Welfare Society of Kenya (a registered adoption society) and the guardian *ad litem* (Susan Achieng Otuoma) are to the effect that the applicants and the child have bonded well and that it is in the child's best interests to be adopted by the applicants.

The Child Welfare Society of Kenya has declared the child free for adoption as required by law.

The first applicant, GKK is a director and shareholder in [information withheld], an insurance loss adjusting company working under the umbrella of McLaren's Young International. The second applicant, SIK, is a registered nurse working at [information withheld]. Both earn reasonable income to take good care of the child. They are aware that if they are authorized to adopt the child, he will be fully entitled to their estate and they are willing to have him so entitled whether or not

they get another child.

The first applicant's brother, JK has offered to act as the child's legal guardian in case the applicants die or otherwise become incapacitated before the child attains majority age.

Having duly considered the evidence on record, I am satisfied that the applicants meet the legal requirements and social parameters set out in Part XII of the Children Act, 2001 relating to adoptions and that it is in the child's best interests to be adopted by the applicants. Accordingly, in exercise of the power vested in the High Court by section 154 (1) of the Children Act, 2001, I hereby make an adoption order authorizing the applicants, GKK and SIK to adopt the child, MN who shall henceforth be known as NKK

The Registrar – General of the Republic of Kenya is hereby ordered to make appropriate entries in the Adopted Children Register in compliance with section 169 of the Children Act, 2001.

Costs shall be in the cause.

Orders accordingly.

Delivered at Nairobi this 18th day of April, 2006.

B.P. KUBO

JUDGE