



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

**Adoption Cause 161 of 2004**

**IN THE MATTER OF ADOPTION OF Y. A. – INFANT**

**JUDGMENT**

**[Particulars withheld pursuant to section 76 of the Children Act no. 8 of 2001 ]**

The applicants herein are a married couple who have three biological children, two sons and a daughter born in the years 1991, 1994 and 1998 respectively. They profess Christian religion.

The first applicant K. E. O. O. at the time of hearing of the cause, works with [particulars withheld] as a [particulars withheld] and the 2<sup>nd</sup> applicant E. M. O. is a [particulars withheld] by profession and also works as a [particulars withheld]. They are 45 and 42 years of age respectively at the time of filing the Adoption cause.

Their monthly joint income is about Shs.500,000.

They have averred that they are mentally, physically and financially able to look after the infant and that they do not have any criminal record.

Their marriage is a monogamous one and seems to have passed their 15 years of married life happily.

They have established a four bed-roomed house at Mountain View with all necessary amenities on a plot of ¼ acre. Seven people including the infant, live there as a close knit family.

The three children of the applicants have welcomed and bonded with the infant as their own. The infant also as per the reports from the guardian-ad-litem, Adoption Society and the Children Department, had adjusted and bonded very well with her new family.

As regards the background of the infant, it is sufficiently placed on record that she was abandoned at [particulars withheld] on [particulars withheld], and her biological mother died. The infant was committed to [particulars withheld] by a committal order dated [particulars withheld]. She was placed with the applicants on [particulars withheld]. A consent required was signed by the Director of [particulars withheld] on [particulars withheld]. Since then she is under care of the applicants. Certificate to free the infant for Adoption is also duly filed.

All the reports have sufficiently shown the progress of infant from a withdrawn to an energetic and assertive child.

I have also seen and interacted with the infant and found her to be a responsive and pleasant child. She had bonded very well with the applicants.

Applicants have decided to adopt the infant as they always wanted to have four children. They now have gender equality in the family. The applicants are aware that the infant, if granted to be adopted, shall have equal rights to inherit them as their biological children.

I have carefully considered the statements and all the three reports filed as well as submissions made by all concerned.

I can only say that the applicants have complied with requirements of Section 158 and 163 of the Children Act, 2001.

I am also fully satisfied that the grant of order of adoption prayed for if granted is in the best interest of the Infant.

I therefore order that the applicants K. E. O. O. and E. M. O. be authorized to adopt the infant baby **[particulars withheld]** who shall henceforth be known as **[particulars withheld]** whose date of birth shall be registered as *[particulars withheld]*.

I also direct the Registrar to make the entry of the aforesaid adoption order in the register.

As has been indicated in the statement I also appoint S. A. M. of P. O. Box **[particulars withheld]** Nairobi as the legal guardian of the infant.

Orders accordingly.

Dated and signed at Nairobi this 7<sup>th</sup> day of July, 2006.

**K.H. RAWAL**

**JUDGE**

**7.7.2006**