

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA
AT NAIROBI

H.C. ADOPTION CAUSE NO. 143 OF 2003

IN THE MATTER OF THE CHILDREN ACT (NO. 8 OF 2001)

IN THE MATTER OF GN – MINOR

J U D G M E N T

On 19th December, 2003 MK and NN (*hereinafter called “the Applicants”*) filed an application in this Court by way of Originating Summons seeking *inter-alia* for orders to adopt a minor child known as GN (*hereinafter called “the Minor”*).

On 19th December, 2003 NO was duly appointed as guardian ad-litem of the said Minor. When the said application for adoption came for hearing on 11th March, 2005 the said guardian *ad-litem* in the said capacity together with Felistus Mwikali a Social Worker with the Child Welfare Society of Kenya and J.N. Ndung’u (Mrs) Assistant Director, Children Services Department presented the requisite reports in respect of both the said Minor and the Applicants.

The said Minor was born on 24th January, 1999 to EPGO an unmarried sister of MK one of the Applicants herein. The said mother of the said Minor passed away on 18th August, 2001 whereupon the said Applicants took over parental responsibilities of the said Minor. The Applicants have therefore since then raised the said Minor like their own blood child and it is their desire to legally formalize their relationship with the Minor. It is pleaded that in the circumstances, the said Applicants are best placed to adopt the said Minor particularly because the putative father of the Minor is not known and is reported to have pre-deceased the said mother of the Minor.

The Applicants are man and wife and are both Kenyan citizens by birth. According to the comprehensive reports filed and presented in this court by the guardian *ad-litem*, the Child Welfare Society of Kenya and the Children’s Department, the said Applicants are fit and proper persons capable of adopting and providing due parental care and attention to the said Minor. The said Applicants are financially sound, have their own home and have in addition been living together as man and wife since 1999 in a monogamous union having previously since 1993 been married under the Customary Law. They have two siblings by the said marriage and the Minor is said to have bonded well with the family of the Applicants. In accordance with the said reports, the Applicants have duly complied with the applicable provisions of the Children Act (*Act No. 8 of 2001*). The said Minor also duly qualifies for adoption having been assessed and declared free for adoption by the Child Welfare Society of Kenya, a registered adoption society, as provided under the said Act.

I have duly considered all the aforesaid reports together with the pleadings and submissions filed herein. I have heard the presentation made by the said guardian and the counsel for the Applicants. I am therefore satisfied that the adoption sought by the Applicants shall be in the best interests of the said Minor. In the circumstances of this adoption-in-the-family cause, I accordingly hereby dispense with the production of necessary consents in pursuance of the provisions of section 159 (1) c of the said Act.

I accordingly order that the said Minor be and is hereby adopted by the said Applicants. I further order that the said Minor be renamed GNN henceforth and direct the Registrar-General to make appropriate entries in the Adopted Children Register accordingly.

DATED, DELIVERED and SIGNED at Nairobi this 22nd day of April, 2005

P.J. KAMAU

JUDGE.