



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NAIROBI**

**ADOPTION CAUSE NO. 168 OF 2004(O.S)**  
**IN THE MATTER OF THE CHILDRENS ACT 2001**  
**AND**  
**IN THE MATTER OF DIG (INFANT)**

## JUDGMENT

The applicants in this adoption cause are related to the child they seek to adopt. The second applicant is the sister of the child's late mother. This adoption and placement of the child in the custody of the applicants was arranged by the family.

The child in this matter, a male child born on 23rd August 1991, was born of a single mother who passed away in July 1997. Ever since the demise of his mother the child has been under the continuous care and control of the applicants. He goes to the same school as their other child and relates to the applicants as mother and father respectively.

The applicants are married to each for the past 12 years, they have duly solemnized their union under the Marriage Act.

The applicants have no biological children of their own, they however, have been able to successfully adopt another child on 13th June 2002 who incidentally has bonded very well with the child in this case and relates to each other as brothers. The applicants are both gainfully employed, the 1st applicant is an accountant currently carrying out business and the 2nd applicant is a nurse, currently working in the United States of America.

The following reports have been filed, where by the suitability of the applicants as adoptive parents of the child has been assessed

- 1) The Director of Children's Services
- 2) Report under Section 156(1) of the Children's Act 2001
- 3) Report by the Guardian ad litem
- 4) Consent by the maternal grandmother of the child
- 5) Consent by Patrick Irungu Mbugua to act as legal guardian.

All the reports recommended this adoption which is within a family. The child has been under the

continuous care of the applicants for the last almost 8 years. He knows no other home or parents and this adoption will be in his best interest.

I have carefully evaluated all the material that was placed before me. I have also given due attention to the provisions of the Children Act 2001 especially part XII and addressed myself to the issues that I should consider. I am satisfied that the order of adoption will promote the best interests of the infant herein. The applicants fully understand the implications of an order of adoption, they have already assumed their responsibilities.

Accordingly I grant the orders sought and allow the applicants to adopt the child known as DIG.

It is so ordered

**Judgment read and signed on 7th April 2005.**

**MARTHA KOOME**

**JUDGE**