



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
ADOPTION CAUSE NO. 44 OF 2018 (OS)
IN THE MATTER OF THE CHILDREN'S ACT NO. 8 OF 2001
IN THE MATTER OF ADOPTION OF ZC(MINOR)

-BY-

PNK AND DBK (APPLICANTS)

JUDGEMENT

1. The Applicants **PNK** and **DBK** moved this court by way of an Originating Summons dated the 30th of March 2018 seeking for orders *inter alia* that; -

- a. The said applicants be authorised to adopt the child herein **ZC (a Minor)** and upon such adoption to have the child's name changed to **JKK**.
- b. That **JM** and **AM** be appointed as Legal Guardians of the child in the event of the Applicants' death or incapacitation.
- c. The Registrar General do make appropriate entries in the Adoption register.

2. Based on an application made by the applicants dated the 30th of March 2018 this Court appointed **MKK** as *guardian ad litem* to the child and required the said *guardian ad litem* and the Director of Children's Services Department to investigate the Applicants' fitness to adopt and the prevailing circumstances as relate to this adoption and file their respective reports.

3. Both reports were filed with the Court on 10th of September, 2018. Both highly recommended the Applicants as suitable and capable parents. The first applicant is an [particulars withheld] whereas the second a businessman. They are both 39 years of age and have been married for 11 years. They have a reasonable income between them, own a car and live in a two bedroomed rental home in Umoja Innercore Estate. Due to medical reasons the applicants have not been able to get a child of their own and now desire to adopt the minor herein. Both applicants are Kenyan citizens and committed Christian. The child was placed with the applicants since 11th of December 2016. The child is said to have bonded well with the applicants, is healthy and generally happy.

4. The child was born on the 21st of March 2016. The biological mother gave him up for adoption and signed a consent to that effect. The child was thereafter committed to **Mahali Pa Maisha Infant Rescue Center** for protection and care on the 5th July 2016. He was declared free for adoption on 9th November 2016 by Kenya Children's Home Adoption Society.

5. The proposed legal guardians **JM** and **AM** are husband and wife, and are related to the applicants as a sister and brother in law. They have both given their consents to be appointed as such.

6. Against the above background, I have formed the considered opinion that the Applicants herein are suitable and fit persons to adopt **ZC (a Minor)** and consequently make the following orders.

- a. That the Applicants **PNK** and **DBK** be and are hereby authorised to adopt **ZC (a Minor)**.
- b. That the child's name will upon this adoption be changed **JKK**.
- c. That **JM** and **AM** jointly be and are hereby appointed as legal guardians of the child now to be known as **JKK**.
- d. That the Registrar General do enter this adoption in the adoption register.

SIGNED DATED and DELIVERED in open court this 17TH day of JANUARY, 2019.

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ALI-ARONI

JUDGE

In the presence of:

Counsel for the Applicants.....