



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

ADOPTION CAUSE NUMBER 20 OF 2018

IN THE MATTER OF SKG1.....MINOR

AND

SKG2

JMK..... APPLICANTS

JUDGMENT

The application is brought by way of an ex parte chamber summons dated 6th November, 2018. The applicants **SKG2** and **JMK** through their advocate Kimenyi & Company Advocates seek the following orders:

1. **THAT the applicants, SKG2 and JMK, be authorized to adopt their grandchild, SKG1.**
2. **THAT the guardian *ad litem* be discharged, and DGK (applicant's son) be appointed as the child's legal guardian in the event the applicants herein are incapacitated or in any way unable to discharge their parental obligations.**
2. **THAT the Registrar-General be directed to make the appropriate entries in the Adopted Children Register and do issue a birth certificate to that effect.**
3. **THAT the costs be in the cause.**

The Applicants **SKG2** and **JMK** are husband and wife. They solemnized their marriage at [particulars withheld] Catholic Church in Nakuru District of the Rift Valley Province on 17th December, 1983 under **The African Christian Marriage and Divorce Act** where a certificate of marriage serial number [xxxx] was issued. The applicants are Kenyan Citizens. They reside at Nakuru County and also they have a permanent residence in the United Kingdom. **SKG2** is a transport consultant under [particulars withheld] while **JMK** works for gain as a nurse. They have since been blessed with three issues namely DGK, AKK and RWK. Their children have all given consent to the proposed adoption.

SKG1 was born on 16th April, 2004 to DGM and EKM as per the certificate of birth serial number [xxxx]. **SKG1**'s mother abandoned him when he was six (6) months old and has never returned to take custody of the child. **SKG1**'s father was unable to take care of an infant and took him to his aunt (**SKG2**'s sister) MWM. MWM, who had retired years earlier raised the child with the help of the applicants who are **SKG1**'s grandparents. The applicants now wish to adopt **SKG1** since they desire that he gets love, a stable and comfortable home, better education and many other opportunities in life.

On the 11th April, 2016, the child's father, DGM approached KKPI Adoption Society with the intent to formally give up his son for adoption by the applicants, claiming inability to raise **SKG1**. The society conducted an enquiry into the child's parents to get background information, the social inquiry form is available. The society took the child's father through the adoption process and the "Adoption of Children - Explanatory Memorandum of Biological/Parent/Guardian" form. **SKG1**'s father appended his signature in the Certificate of Acknowledgment dated 11th April, 2016. He also swore an affidavit dated 14th June, 2016 stating that he is in agreement with the adoption process. The applicants appended their signatures in the Certificate of Acknowledgment dated 6th June, 2018 declaring that they have fully understood the process of adoption and also the contents in the "Explanatory Memorandum of Adopters". **SKG1** was declared free for adoption on 27th July, 2016 by the Case Committee of KKPI Adoption Society vide the Certificate of Declaring a Child Free for Adoption serial number 562.

On 20th November, 2018 the court ordered Director of Children Services in the Ministry of Labour and Social Protection, Department of

Children's Services to conduct investigations as to the suitability of the applicants to adopt **SKG1** and submit a report on his findings to court. GSWK of Post Office Box Number [xxxx], Nairobi in the Republic of Kenya was appointed as *Guardian ad Litem* of the minor. This was done through an application to court dated 6th November, 2018.

Salome Wathaka, from the children's department made a home visit on the applicants on 4th February, 2019 and conducted investigations to ascertain the applicants suitability to adopt the minor. Mr. Clement Gisore, the County Children Coordinator in a report to Court dated 6th February, 2018 recommended the applicants fit to adopt **SKG1**.

Upon reading the above report and satisfying myself that all the legal requirements have been adhered to, this Court is satisfied that the applicants are suitable persons to adopt **SKG1** and that they are also financially stable and have the means to provide and care for him.

For the above reasons, the Court hereby orders as follows:

1. **THAT the applicants, SKG2 and JMK, be and are hereby authorized to adopt their grandchild, SKG1.**
2. **THAT the guardian ad litem be discharged, and DGK (applicant's son) be and is hereby appointed as the child's legal guardian in the event the applicants herein are incapacitated or in any way unable to discharge their parental obligations.**
4. **THAT the Registrar-General be and is hereby directed to make the appropriate entries in the Adopted Children Register and do issue a birth certificate to that effect.**
5. **THAT costs be in the cause.**

Dated and Signed at **Nakuru** this 13th day of **February, 2019**.

A. K. NDUNG'U

JUDGE