



**REPUBLIC OF KENYA**

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

**ADOPTION CAUSE NO. 88 OF 2013**

**IN THE MATTER OF THE CHILDREN ACT, 2001**

**AND**

**IN THE MATTER OF BABY N S S - MINOR**

**J A L S.....1<sup>ST</sup> APPLICANT**

**J M A A.....2<sup>ND</sup> APPLICANT**

**J U D G M E N T**

The applicants, J A L S and J M A A are husband and wife. They were married on 22<sup>nd</sup> August 2009. The 1st and 2nd Applicants are business persons. The applicants have been blessed with one (1) child as a couple. However the 2nd applicant has a child from a previous relationship. The child lives with the applicants. They wish to adopt this child. They have applied to this court to be allowed to adopt Baby N S S (The Child). The child was declared free for adoption by Little Angels Network, an Adoption Society on 20<sup>th</sup> June 2012.

Prior to the hearing of the adoption, the adoption society, Little Angels Network, prepared a report which is filed in court. The Director of Children's Services prepared a report which is on record. The guardian ad litem, D K T, prepared a report which has been filed in court. All the reports are favourable and recommend that the court allows the applicants to adopt the child. I have evaluated the facts of this adoption. This is a local adoption. It is evident that the applicants have fulfilled all the legal requirements pertaining to the adoption of the child. The 2<sup>nd</sup> applicant gave her consent to the proposed adoption by the 1st applicant and herself. Consent of the biological father of the child has been dispensed with as his whereabouts is unknown. He cannot be traced to give his consent. This court is satisfied that the applicants are qualified and able to take care of the child. The home visits by the guardian ad litem, the Adoption Society and the Director of the Children Services established that the applicants have the financial and emotional capability to provide for the upkeep and education of the child. This court observed the applicants with the child in court. It was evident that in the period that the applicants have had the custody of the child, the child has bonded well with them. The child considers the applicants her parents.

This court formed the opinion that it would be in the best interest of the child to be adopted by the applicants. This is an adoption within the family. I will allow the application for adoption. The applicants J A L S and J M A A are hereby allowed to adopt Baby N S S. She shall henceforth be known as N S L. S D A A, the sister of the 2nd applicant shall be the legal guardian of the child should such eventuality arise. I direct the Registrar General to enter this order in the adoption register. I hereby discharge the guardian ad litem. It is so ordered.

**DATED AT NAIROBI THIS 7<sup>TH</sup> DAY OF FEBRUARY, 2014**

**L. KIMARU**

**JUDGE**