

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO.206 OF 2013

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF J P A - MINOR

M C O.....1ST APPLICANT

P A O.....2ND APPLICANT

JUDGMENT

The Applicants, M C O and P A O, are husband and wife. They were married on 7th August 2009. The 1st Applicant is businessman while the 2nd Applicant is a Procurement Officer with the *[particulars withheld]*. The Applicants have been blessed with two (2) biological children born on 18th March 1995 and 16th July 2010 respectively. They have applied to this court to be allowed to adopt baby J P A (the child). The child was presumed to have been born on 17th February 2012. She is the daughter of D M A, the 1st Applicant's paternal cousin. The biological mother of the child is a minor and a student. The child's alleged father has denied paternity. The child was taken in by the Applicants in January 2013. Since then, the Applicants have had continuous custody of the child. This is therefore an adoption within a family.

Prior to the hearing of the adoption, the Adoption Society, Little Angels Network, prepared a report which is filed in court. They also issued a certificate declaring the child free for adoption. The certificate is dated 3rd July 2013. The Director of Children's Services prepared a report which is on record. The guardian ad litem, S O O, 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 relating to the adoption of the child. The consent of the biological mother of the child has been obtained. The consent of the child's biological father has been dispensed with since he denied paternity. Being an orphan, the family of the biological mother of the child through her paternal grandmother gave their consent to the proposed adoption by the applicants. 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 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 that 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 his parents. The biological children of the Applicants have accepted the child as their sibling.

This court formed the opinion that it would be in the best interest of the child to be adopted by the Applicants. I allow the Applicants' application for adoption. The Applicants, M C O and P A O, are hereby allowed to adopt Baby J P A. Henceforth, the child shall be known J C O. J A O, a 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 7th DAY OF FEBRUARY, 2014

L. KIMARU

JUDGE