

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO.115 OF 2011

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF BABY R S N (MINOR)

B W K.....1ST APPLICANT

B N N.....2ND APPLICANT

J U D G M E N T

The applicants, B W K and B N N, are husband and wife. They were married in 1995 under **Luhya Customary Law**. The 1st applicant is a Diplomat employed by the Ministry of Home Affairs while the 2nd applicant is a banker. The Applicants have been blessed with three (3) biological children of their own aged respectively 17, 14 and 4 years. They have applied to this court to be allowed to adopt baby R S N (the child). The child was born on 20th October 2003. She is the daughter of H N K, the deceased male applicant's sister. The mother of the child died two months after the birth of the child. She was taken in by the applicants when she was about one year old. Since then, the applicants have had continuous custody of the child. This is therefore an adoption within the 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 1st September 2010. The Director of Children's Services also prepared a report which is on record. The guardian ad litem, F K, 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 also an adoption within the family. It is evident that the applicants have fulfilled all the legal requirements relating to the adoption of the child. The consent of the biological parents of the child was dispensed with since both biological parents are deceased. 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 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 her 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, B W K and B N N, are hereby allowed to adopt Baby R S N. Henceforth the child shall be known as R N K. F K, the brother of the 1st 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 8TH DAY OF OCTOBER, 2013

L. KIMARU

JUDGE