

IN THE MATTER OF ADOPTION OF A.S – INFANT

FINAL JUDGMENT

The Applicants herein are married under the Marriage Act on 7th March, 1997. They have three biological children who are aged 19 years, 6½ years and 4 years respectively as at October, 2008. The male Applicant was born on 13th February, 1967 and the female Applicant was born on 8th December, 1968.

The male Applicant works as Chief of Supply and Logistics Section of UNICEF and the female Applicant is a Secretary by profession.

The child A.S was born to P.O.A on 9th October, 1991, who is a sister of the male Applicant herein and was a single mother. Due to her financial incapacity to look after the child, he was handed over to the Applicants when the child herein was only two years old.

Thus, the child has not seen or known any other parents or family since he was 2 years of age. The biological mother has in all practical purposes abandoned all her rights over the child but apart from it has also signed a consent to authorize the Applicants to adopt the child on 12th August, 2008. The child similarly has given his consent on his proposed adoption on 7th October, 2008.

The purpose or motivation to make this application is to give a stamp of legality to their emotional and social relations and give full rights of a son to the child, including inheritance. In my view, it is a magnanimous deed on part of the Applicants which preserves the African tradition of extended family.

I have also considered three reports from L.A.N, from the Director of Children Services and from the guardian ad litem. They all have recommended the adoption with no condition. The child is declared free for adoption vide certificate No.[-] issued on 19th September, 2008.

With the above facts, which I could not incorporate in the interim judgment dated 24th July, 2009, I had made an order granting the Applicants authority to adopt the child now known as A.S.W.O.

All other orders and observations made in the interim judgment delivered on 24th, July, 2009 are deemed to be part and parcel of this judgment.

Orders accordingly.

Dated, Signed and Delivered at Nairobi this 2nd day of October, 2009.

K.H. RAWAL

JUDGE

2.10.09