



**REPUBLIC OF KENYA**

**High Court at Nairobi (Nairobi Law Courts)**

**Adoption Cause 29 of 2011**

**IN THE MATTER OF BABY C.N**

**JUDGEMENT**

1. Before me is an application for an adoption order, dated 8<sup>th</sup> December, 2010, wherein the applicants and **J. M.L** (the 1<sup>st</sup> applicant) and **G.A.L** (the 2<sup>nd</sup> applicant) a married couple of **P.O. Box [particulars withheld] Nairobi** have moved the court, praying that they be authorized to adopt and rename a boy child, **C .N** who, for the purposes of this judgement shall, where necessary, be referred “**the adoptive child**”. The applicants propose that he be known as **C.N.L** upon adoption.

2. Both applicants are Kenyan citizens. The 1<sup>st</sup> applicant is 43 years old while the 2<sup>nd</sup> applicant is 40. The couple was married on 4<sup>th</sup> April, 2008. The adoptive child was born to the 2<sup>nd</sup> respondent from a previous relationship with one **P.N.G** who has consented to the adoption as evidenced in his affidavit of 15<sup>th</sup> January 2009 filed herein on 22<sup>nd</sup> February 2011. The applicants have had the care and custody of the adoptive child since the date of their marriage and have since been blessed with a biological son aged 1 year 4 months.

3. On 28<sup>th</sup> October 2011 on the applicants’ application, S.N.Mof P.O. Box [particulars withheld] Nairobi was appointed the Guardian ad Litem for the purposes of this adoption. She has filed a comprehensive report received in court on 8<sup>th</sup> March 2012, primarily stating that **the child, C** has bonded well with the adoptive father with whom he has a warm father – son relationship. He is well taken care of.

4. In the unlikely event that they become incapacitated or die, before the child attains the age of majority, the adopting parents have appointed **C.N** who is a sister to the 2<sup>nd</sup> applicant to be the legal guardian of the adopted child. She has consented so to act. The Guardian ad Litem recommends that the applicants be granted the authority to adopt the child, being of the view that the adoption is in his best interests.

5. The Director of Children’s Services on the other hand has reported that the applicants are able to provide for the child in a manner that will guarantee not only him day to day needs and education but also guarantee him an inheritance. Both the guardian ad litem and the Director of Children’s Services highly recommend, therefore, that the applicants be granted the authority to adopt **the child, C** and that the court grants them, also, the incidental prayers sought in the application, to complete the process.

6. At the hearing of the application, it was proved, through the documentation filed in support, that *the adoptive child* was born to the 1<sup>st</sup> applicant on 19<sup>th</sup> January 2003. He remained in her custody up to December 2008 when the 1<sup>st</sup> applicant got married to the 2<sup>nd</sup> applicant. Since then the adoptive child has

been under the continuous care and custody of both applicants. The requisite studies and investigations have been carried out in regard to applicants' suitability to adopt the child and requisite reports duly filed.

7. In considering this application, I have perused the reports filed by the Guardian ad Litem and the Director of Children Services, and thoroughly examined all the documentation filed in support thereof, including the Home Study Report of the Little Angles Network Society dated 24<sup>th</sup> August 2011. The applicants' suitability has been carefully assessed and positive recommendations filed by credible persons. I am satisfied that the applicants do possess the requisite legal capacity to adopt the child, and that they do understand the entire adoption process, and its future implications for themselves as a family and in particular, the need to provide the best for the adopted child all his life. I find them to be stable, medically fit and financially able to adopt **the child**.

8. Considering the above, I have no hesitation in allowing the application, being satisfied that the proposed adoption is in the best interests of **the child**. Accordingly, the Originating Summons dated 8<sup>th</sup> December 2010 is hereby allowed and orders granted in terms of prayers 2 and 5 thereof, the consent of the biological father having been duly noted and recorded as a final consent.

9. Orders accordingly.

**DATED, SIGNED and DELIVERED at NAIROBI this 19<sup>th</sup> DAY of October, 2012.**

**M.G. MUGO**

**JUDGE**

**In the presence of :**

Mr. Wilson Kenneth for the applicant. -



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