



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KISII
ADOPTION CAUSE NO. 19 FO 2014
IN THE MATTER OF ADOPTION UNDER S. 154
OF THE CHILDREN'S ACT, 2001
AND
IN THE MATTER OF ADOPTION OF BABY M K
BY
PS. S N A &
E K N.....APPLICANTS
JUDGMENT

1. This application-originating summons dated 13th July, 2014 is brought by the two applicants, Pastor S N A and Mrs E K N to adopt an infant M K. The application is brought under children's act, 2001 and other enabling provisions. The applicants seek for orders that:-
 - i. *That this application be certified as urgent and be heard on priority basis.*
 - ii. *That R B O be appointed guardian ad litem in this case.*
 - iii. *That this court be pleased to order the child welfare society of Kenya to file their assessment report on the suitability of the applicants herein to adopt the infant here.*
 - iv. *That the applicants herein Pastor S N A and E K N be authorized to adopt the infant herein.*
 - v. *That the Registrar- General to make necessary entries in the adopted children's register and thereafter issue certificate for the same.*
 - vi. *That this honourable court do issue any such further or necessary orders it may deem just to grant in the best interests of the infant herein.*
2. The application is supported by their affidavit sworn on 26th May, 2014. In that affidavit they state as follows:-
 1. *They are desirous of adopting M K, an infant of female gender, born on 30th January, 2008.*
 2. *That the applicants are married couples.*
 3. *Between them they do not have biological children.*
 4. *That they are both Christians.*
 5. *That the said infant was abandoned and was put in their care with the Child Welfare Society since 19th February, 2014.*
 6. *That the infant has been in continuous care with them for now three(3) months, prior to this*

- application.*
7. *That they own land for farming.*
 8. *That they have not received or agreed to receive and no person has made or given or agreed to make or give to them any payment or reward in consideration of adoption.*
 9. *That they are not biologically related to the infant.*

10)That they have made this application of their own freewill.

11)That if adoption order is made the infant be known as M K.

3. The court has been shown a bundle of documents relating to the infant, from when the infant was found abandoned to when the infant was put in care. The child welfare society of Kenya dated 11th June, 014 is pertinent.
4. **The issue for determination.**

Whether this court should allow this application for adoption?

5. **The applicable law.**

Section 156(1) sets out the prerequisites for adoption.

6. **The suitability of the applicants**

The testimonies of PW1- Pastor S N A and PW2 E K Nand PW3 R B O, all their testimonies confirm the suitability of the applicants to adopt the infant. The infant is in harmony with the applicants since she was put in their possession and care. Since the child was abandoned S. 162(1) is inapplicable in respect of due consents.

7. Accordingly, since the infant is declared as free for adoption by the child welfare society of Kenya, this court being satisfied that all legal requirements for adoption are met, orders are hereby granted in favour of the applicants as prayed for in their application dated 13th July, 2014.
8. I direct the Registrar General to make appropriate entries in their adopted children's Register in respect of this infant, M K.
9. Costs in the cause.

Dated and delivered at KISII this 20th day of March, 2015.

C.B. NAGILLAH,

JUDGE.

In the presence of:-

Soire for the applicants

Infant

Edwin Mongare Court Clerk.