



**In re GA (Child) (Adoption Cause 5 of 2022)
[2023] KEHC 25679 (KLR) (24 November 2023) (Judgment)**

Neutral citation: [2023] KEHC 25679 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KITALE
ADOPTION CAUSE 5 OF 2022**

**AC MRIMA, J
NOVEMBER 24, 2023**

IN THE MATTER OF

EKW APPLICANT

JUDGMENT

1. By way of an Originating Summons dated 12th November, 2022 brought under the provisions of Sections 154, 156(1), 158(1)a & (4), 162, 163, 164(1) and 170 of the *Children's Act* and Section 24 of the *Interpretation and General Provisions Act*, Cap. 2 of the Laws of Kenya, the Applicant sought the following orders: -
 1. That the applicant be authorized to adopt baby GA.
 2. That the Director of Children Services, Ministry of Gender and Social Development do investigate the applicant's fitness to adopt and file a report.
 3. That the court be pleased to make any further orders it deems necessary.
2. The Applicant also filed her Statement and an evenly dated Chamber Summons seeking inter alia that one EAS be appointed as a *Guardian Ad-Litem*. The proposed Guardian filed a consent in affirmation.
3. Further, an Affidavit was filed by one ANT vouching the fitness of both the Applicant on her suitability to adopt the child and of EAS as a Guardian respectively.
4. Later, a Report dated 3rd November, 2023 was filed by the Department of Children Services, Trans Nzoia County on the suitability of the Applicant.
5. The Applicant and EAS were thereafter examined by this Court.
6. Having examined the documents filed in this cause, being guided by the constitutional obligation under Article 53(2) that a child's best interests are of paramount importance in every matter concerning the child, given the nature of evidence tendered and in regard to the law generally, this Court is satisfied of the following issues in this matter: -



- i. That it is in the child's best interests that she be adopted.
 - ii. That, the Child is free for adoption.
 - iii. That, the Applicant is a suitable person to adopt the child.
 - iv. That, EAS is willing to be the Guardian of the child in the event the Applicant dies or becomes incapacitated before the child attains the age of eighteen years.
 - v. All the legal requirements towards the adoption of the child by the Applicant have been met.
7. Deriving from the foregoing, this Court hereby makes the following final orders: -
- a. An Adoption Order be and is hereby issued under Section 183 of the *Children Act* vesting the parental rights and responsibilities relating to the child, GA, in the Applicant herein, EKW.
 - b. EAS be and is hereby appointed as the Guardian of the child in the event the Applicant dies or becomes incapacitated before the child attains the age of eighteen years
 - c. This file is marked as closed.

Orders accordingly.

DELIVERED, DATED AND SIGNED AT KITALE THIS 24TH DAY OF NOVEMBER, 2023.

A. C. MRIMA

JUDGE

Judgment virtually delivered in the presence of:

Mr. Kimani for Mr. Khisa, Counsel for the Applicant.

Chemosop/Duke – Court Assistants

