



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

FAMILY DIVISION

ADOPTION CAUSE NO. 25 OF 2020 (OS)

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF RK (Minor)

IN THE MATTER OF AN APPLICATION FOR ADOPTION BY

EWW.....APPLICANT

JUDGMENT

1. The applicant is a Kenyan woman aged 45 and a nurse at [Particulars Withheld] in the USA. She is married to one ACG and they reside in [Particulars Withheld], USA. They do not have a child of their own. The applicant filed the originating summons dated 15th November 2019 seeking to adopt the Child RK.

2. This is a kinship adoption. The minor was born on 4th May 2014 to the late CNW, the applicant's niece who died on 15th October 2014. Upon the demise of the mother, the child was left in the custody of his great grandmother, MWK, who became his legal guardian vide **Misc Children Case No. 280 of 2016**. The great grandmother is now old and ailing. The child was declared free for adoption by Child Welfare Adoption Society on 27th August 2019 vide Certificate No. [...].

3. The Court on 2nd July 2020 appointed RMK as the guardian *ad litem* and ordered him and the Director of Children Services to prepare and file the requisite reports within 45 days after carrying out a social inquiry on the applicant to determine her suitability to adopt the child. The two reports were filed. Both recommended the applicant to be allowed to adopt the child. The reports found that the applicant was socially, emotionally and financially stable and suitable to adopt the child. It was also found that the child and the applicant had bonded well.

4. The minor's legal guardian, MWK, and the applicant's husband have consented to the adoption. The court finds that it is in the best interest of the child to be adopted by the applicant. The applicant has demonstrated her ability to provide a conducive home and family environment in which the child will grow and develop. She will assume all parental rights and obligations of the biological parents of the child once adopted, and shall treat him as if he was born to her. She has been made aware that once the adoption order is made, it shall be final and binding during the lifetime of the child. The child shall have the right to inherit her properties. The applicant shall not be able to give up the child owing to any subsequent unforeseen behaviour or other changes in the child. This court dispenses with the consent of the child's biological mother as she is deceased.

5. Having been satisfied that all the legal requirements for a local adoption under the **Children Act** have been met, the following orders shall issue:-

- a) the applicant EWW is hereby allowed to adopt Child RK ;
- b) Child RK shall retain the name RK;
- c) the child's date of birth shall be 4th May 2014, and shall be considered Kenyan having been born to a Kenyan mother in Komarock in Nairobi County in Kenya;
- d) HNG and MNW are hereby appointed to be the child's legal guardian in the event of death or incapacity of the applicant before he is of full age and fully self-reliant;

e) The Registrar-General is directed to enter this adoption in the Adopted Children Register; and

f) The guardian *ad litem* is hereby discharged.

DATED AND DELIVERED ELECTRONICALLY AT NAIROBI THIS 18TH DAY OF MARCH 2021

A.O. MUCHELULE

JUDGE