



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NAIROBI**  
**FAMILY AND PROBATE DIVISION**  
**ADOPTION CAUSE NO. 144 OF 2018**  
**IN THE MATTER OF THE CHILDREN ACT**  
**(ACT NO. 8 OF 2001)**  
**AND**  
**IN THE MATTER OF DKJS-MINOR.**  
**AND**  
**IN THE MATTER OF AN APPLICATION FOR ADOPTION**  
**BY**  
**PAM (APPLICANT)**  
**JUDGMENT**

**Background:**

1. Before me is an application dated 8<sup>TH</sup> August 2018 for adoption of **DKJS** (a minor) brought by way of an Originating Summons, pursuant to **Sections 154,156,158,159,160,163, 164 and 170** of the Children's Act. The said application was amended on the 8<sup>th</sup> of December 2019 and seeks *inter alia* for adoption of the said minor by **PAM**, to have **AWM** appointed as a legal guardian to the child and for the Registrar General to make appropriate entries in the Adoption Register.
2. The application also sought to have **CCN** appointed as Guardian *ad litem*. On the 13<sup>th</sup> of December, 2018 she was appointed as such. The court then directed the Guardian *ad litem*, and the Director of the Children's Services Department in Nairobi to investigate the Applicant's fitness to adopt and file their respective reports

**Reports:**

**3. Director of Children's Service Report**

In a report dated 9<sup>th</sup> May, 2019 the Director of Children Services informed the Court that this is a kinship adoption as the child subject matter herein is a grandchild to the applicant. The child's mother was a single parent and an only daughter to the applicant. She died on the 2<sup>nd</sup> August 2009. The child has since been in the care and custody of his grandmother. The two have a close relationship and the minor refers to the applicant as mum. The child is now 12 years old and attends [Particulars withheld] School in Kikuyu; a boarding school and returns to the applicant during school holidays. His school results are very good, he is a bright student.

The applicant though a trained procurement officer is currently engaged in business and from the documents on record she is doing fairly well. She has the means to cater and educate her grandchild no doubt. The motivation towards this adoption by the applicant is to secure and protect the child.

The report highly recommended the adoption.

**4. Guardian Ad litem's Report**

The Guardian ad litem filed a report dated 21<sup>st</sup> May 2019. The report equally recommended the adoption.

The guardian observed that the child and the proposed parent had bonded well and the child is healthy and happy.

5. Based on the above information the Court has formed an opinion that the Applicant has met all the necessary legal requirements and it will be in the best interest of the child to allow the adoption.

6. Consequently, the court orders as follows:

- i. **PAM** be and is hereby authorised to adopt **DKJS**
- ii. The Registrar General do register the adoption in the Adoption Register and issue a certificate.
- iii. **AWM** be and is hereby appointed as the Legal Guardians of **DKJS** &
- iv. The Guardian *ad litem* is now released from the task that had earlier been bestowed upon her by the court.

**SIGNED DATED and DELIVERED** in open court this 5<sup>TH</sup> Day of **MARCH, 2020**.

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**ALI-ARONI**

**JUDGE**