



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

FAMILY AND PROBATE DIVISION

ADOPTION CAUSE NO. 16 OF 2018

IN THE MATTER OF THE CHILDREN ACT

(ACT NO. 8 OF 2001)

AND

IN THE MATTER OF JJH (A MINOR)

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION

BY

BCK (APPLICANT)

JUDGMENT

Background:

1. Before Court is an amended application dated 7th March 2019 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 application seeks for adoption of **JJH** a minor by **BCK**, and upon adoption the child to assume the name **JKK**, the appointment of **CCK** as the legal guardian to the child and for the Registrar General to make appropriate entries in the Adoption Register.
2. On the 12th of April, 2018 the court appointed **CVC** as guardian *ad litem* of the minor and 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 31st July, 2018, 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 brutally murdered on 13th of June 2011 leaving the child in her care. The child has since been in the care and custody of the applicant. The two have a close relationship. At the time of writing the report the child was 11 years old and attending [Particulars Withheld] School in Nairobi.

The applicant was born in Bomet in 1958. She is a retired accounts officer now engaged in business and has the means to cater and educate her grandchild.

The report highly recommended the adoption.

4. Guardian Ad litem's Report

The Guardian ad litem on her part filed a report dated 5th of February, 2019. The report equally recommends the adoption.

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

5. From the record the child's parents were not married. The father's whereabouts are currently unknown. And except for a protracted case between the applicant and where the applicant won custody of the child and where the father was allowed access, the said father has not taken up parental responsibility leaving the child entirely in the hands of the applicant.

6. Based on the above information the Court has formed the opinion that the Applicant having met all the necessary legal requirements ought to adopt the child as this will be the best cause and in the best interest of the child.

7. Consequently, the court orders as follows:

i) **BCK** be and is hereby authorised to adopt **JJH**

ii) Upon this adoption the child will be known as **JKK**

iii) The Registrar General do register the adoption in the Adoption Register and issue a certificate.

iv) **CCK** be and is hereby appointed as the Legal Guardians of **JKK**

v) 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 30th day of July 2020.

.....

ALI-ARONI

JUDGE