



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KISII

ADOPTION CAUSE NO. 3 OF 2019

IN THE MATTER OF ADOPTION UNDER SECTION 154 OF THE CHILDREN'S ACT, 2001

AND

IN THE MATTER OF ADOPTION OF INFANT VT

CKN..... APPLICANT

JUDGMENT

1. **CKN** the applicant by an originating summons dated the 25th October 2019 seeks to be authorised to adopt baby VA aged 4 years. That upon making the adoption order the baby be known as **NGN**. That the applicant be issued with an Adoption Certificate and the names of the adopted baby be entered in the Register of Adoptions. That Mrs. VKM be appointed to act as the legal guardian to the infant.
2. The applicant depones in her statement in support of the application that she was born on the 21st May 1974 and resides in Kisii County. She is a civil servant employed by the Ministry of Health as [Particulars Withheld]. That the baby was placed in her custody care and possession by Springs of Life Children's Home in August 2016.
3. The applicant filed the following documents; a foster care agreement dated 10th August 2016 indicating that infant VA was placed in her care and control by Springs of Life Children's Home. A consent from the parents of the child dated 14/ 01/2016 giving up baby VA for adoption. The reason for giving up the baby for adoption is indicated in the said consent form. A certificate declaring the child free for adoption by Little Angles Network dated the 29th July 2016. A police clearance certificate issued on the 20th January 2018 indicating that she has no previous criminal record. A consent from her son indicating he has no objection to the adoption. A payslip indicating that she earns a salary and that she is employed by the Ministry of Health in [Particulars Withheld] County.
4. The report filed by the adoption agency Little Angels Network gives a background on the baby and the applicant. Baby VA was born on the 13/6 2016 in Kakamega Central District to a girl aged 18 years and a father aged 25 years. Due to the relationship between the 2 parents the child could not be raised within the community. The parents approached Little Angels Network in Kisumu and sought help on how to surrender the child. They were assisted and they signed the requisite consent.
5. Baby VA was thereafter committed into the legal custody of Springs of Life Children's Home vide Protection and Care Case number 71/2016 by the Chief Magistrate Court in Kakamega for a period of 3 years. Her parents gave their consent to the home in line with Section 158(4) (a) of the Children Act (2001).
6. A report by the Children's department dated the 4th March 2020 recommends the adoption. Personnel from the said office did a background check on the applicant as detailed in their report. The reports states that the applicant has had the infant for the last 4 years and they have bonded well, the infant knows her as mum and the applicant views her as her own daughter. That the applicant understands that if the order is made the infant will have a right to inherit her property. That the child is loved by the other family members. The reports further indicates that the applicant has an appropriate residence adequate to raise the infant in and the child stays with her in the said house. The applicant has someone to take care of the infant when she is on duty. Apart from her salary she has other properties which give her additional income. It was observed that the parent had devoted herself to giving the best of her time and resources to her prospective adoptive child. It is recommended that it is in the child's best interest that the application be granted.
7. The applicant was examined in court and she convinced the court that she has the child's best interest. The Children's' officer, Mercy Maina and an officer from the adoption agency Caroline Okuta confirmed their reports in court. VK the proposed legal guardian too gave her consent and the guardian ad litem too recommended the adoption.
8. Upon considering the application, the reports, examination of the applicant in court, I find that it is in the best interest of the baby that she

be adopted by the applicant. Accordingly, I allow the application dated 25th October 2019 in the following terms;

- a. The applicant **CKN** is authorized to adopt baby **VA** who shall be called **NGN** henceforth.
- b. **ENM** is discharged as guardian ad litem;
- c. **VKM** is appointed as legal guardian to the infant;
- d. The registrar shall make the appropriate entries of **NGN** in the adopted children's register; and
- e. The baby shall be presumed to be a Kenyan citizen. It is so ordered.

Dated, signed and delivered at KISII this 22nd day of July 2020.

R.E OUGO

JUDGE

In the presence of:

Applicant Absent

Mr. Nyambati For the Applicant

Ms. Rael Court Assistant.