



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KISII

ADOPTION CAUSE NO 1 OF 2019

IN THE MATTER OF THE CHILDREN'S ACT NUMBER 8 OF 2001

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY LK ALIAS LT

IN THE MATTER OF AN APPLICATION FOR ADOPTION BY ENO APPLICANT

JUDGMENT

1. The applicant ENO through her Originating Summons dated 24th June 2019 seeks to be authorized to adopt child LK *alias* LT hereinafter referred to as the child.
2. The applicant is a Kenyan citizen born in 1979. She is also currently employed as a secretary at [particulars withheld] and is financially capable of catering to the needs of the child. She received the child into her care and possession on 22nd December 2017 and the child has been in her continuous care since the date.
3. According to the report from Little Angels Network the child was admitted at Kisii Teaching and Referral Hospital on 15th November 2016 as a referral case from Ogembo Hospital. Her biological mother then absconded on 15th November 2016 leaving the child behind. The child was subsequently admitted to New Life Home Trust for care and protection on 7th December 2016. On 12th January 2017, the child was formally committed to New Life Home Trust under Protection and Care Cause No.7 of 2017. In a letter dated 16th May 2017 Kisii Police Station stated that no one had come forth to claim the child. The child was declared free for adoption by the Case Committee of Little Angels Network on 8th December 2017 and certificate serial number [xxxx] issued to that effect.
4. The County Children's Coordinator, Kisii County filed her report on 9th December 2019. The County Children Coordinator during a home visit established that the child was well kept and had bonded well with the applicant. She also noted that the applicant had provided the child with a suitable home which sits on her land parcel no. Kisii Central Kitutu/Mwamosioma 2xxx. The officer observed that the applicant has devoted herself to giving the best of her time and resources to the child and recommends that the adoption is in the child's best interest.
5. The child in this matter was an abandoned child and is in need of parental care and protection which the applicant has offered to give.
6. Little Angels Network in efforts to trace the parents or relatives of the child visited the Chief of [particulars withheld] location but their efforts did not yield much as they were informed that no claim had been made pertaining to the child. This court having considered the two reports, the first which was made by Little Angels Network and the other by Kisii County Children's Coordinator, is satisfied that the applicant is qualified and able to take care of the child. She is financially stable as she collects income from her residential property situated on parcel no Central [particulars withheld] and in addition receives a monthly salary from [particulars withheld]. I find that the applicant is therefore capable of providing for the upkeep and education of the child.
7. It's opportune at this juncture to note that the record erroneously shows ENO, the applicant herein, as having been appointed guardian ad litem. This, as will be readily seen from the originating summons filed, arose from the specific prayer by the applicant vide prayer 1 to be so appointed.
8. Despite the court directing that this anomaly be resolved by the swearing of an affidavit by an appropriate guardian ad litem, the originating summons was not amended accordingly. However, RNO swore an affidavit accepting to serve as the guardian ad litem to the minor. The order of court appointing a guardian ad litem on 17th October 2019 ought to have referred to RNO as the appointee and I direct that the extracted order be amended accordingly.

9. This court 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 ENO is hereby allowed to adopt baby LK *alias* LT who shall henceforth be named as JM with full name to be withheld in the publication of this Judgment;
- b) RNO is hereby appointed the legal guardian of the child in case of incapacity or death of the Applicant before the child attains the age of majority.
- c) The Registrar-General is directed to enter this adoption in the Adopted Children Register; and
- d) I hereby discharge the guardian ad litem.
- e) No orders as to costs.

Dated, signed and delivered at Kisii this 19th day of November, 2020

A.K. NDUNG’U

JUDGE