

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

(FAMILY DIVISION)

ADOPTION CAUSE NO. 155 OF 2017

IN THE MATTER OF AN APPLICATION FOR ADOPTION OF R N M

JUDGEMENT

1. The applicant, S M W, is a Kenyan citizen. She is married. She seeks to adopt R N M. Her Originating Summons is dated 24th October 2017.

2. The child in question was born on 10th October 2000 to E M M and M M M. Her biological mother died in 2015. The father of the child has been unable to provide and care for the minor children left behind by his wife, or has neglected to take care of them, and they are all now under the care of various relatives. The child herein is aware that her biological father abandoned and neglected her. The applicant is the child's maternal aunt and the child has consented to the application for her adoption by her aunt. Her father too has consented to the proposed adoption. The applicant is married but her husband has consented to her applying for adoption as a sole applicant.

3. The child was freed for adoption by the Change Trust adoption society by their certificate number [particulars withheld] of 14th November 2017.

4. To facilitate this adoption, the applicant has been assessed by the Change Trust, the Director of Children Services and the guardian *ad litem*, A N S. The three have compiled and filed their reports in court. That of the Director of Children Services is dated 11th December 2017, while that of the guardian *ad litem* is dated December 2017. The report by the Change Trust is dated 14th November 2017.

5. All these reports are favourable and recommend the proposed adoption. The applicant has demonstrated that she has the financial and emotional capability and capacity to take care of the child. The child herself appears to have bonded well with her and she considers her to be her mother.

6. In the opinion of this court it would be in the best interests of the child that she is adopted by the applicant. The applicant will be able to provide a home and a family for the child to grow up in and thereafter be a useful member of the family. Consequently, the applicant shall assume all parental rights and duties of the biological parent in respect of the adopted child; she shall treat the adopted child as if she was born to her. The applicant has been made aware that once the adoption order is made it shall be final and binding during the lifetime of the child and that the child shall have the right to inherit her property. The applicant cannot give up the child owing to any subsequent unforeseen behaviour or other changes in the child.

7. I am satisfied that all the legal requirements for a local adoption have been met, and I therefore make the following orders:-

- a. That the applicant, S M W, is hereby allowed to adopt the child R N M, who shall hereafter be known by the same name, R N M;**
- b. That the said child is Kenyan by birth; her date of birth is 10th October 2000;**
- c. That C N M is hereby appointed legal guardian of the child in the event something untoward happens to the applicant;**
- d. That the Registrar-General is hereby directed to enter this adoption order in the adoption register; and**
- e. That the guardian *ad litem* is hereby discharged.**

DATED, SIGNED and DELIVERED at NAIROBI this 14TH DAY OF JUNE, 2018.

W. MUSYOKA

JUDGE