



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI
ADOPTION CAUSE NO. 8 OF 2018
IN THE MATTER OF THE CHILDREN ACT NO. 8 OF 2001
AND
IN THE MATTER OF APPLICATION FOR THE ADOPTION OF CE (MINOR)
AND
ORIGINATING SUMMONS OF AN APPLICATION FOR AN ADOPTION ORDER
LNM.....APPLICANT

JUDGMENT

1. The Applicant in this case has filed this originating summons dated 24.1.2018 seeking the following orders;

(i) THAT the Applicant be authorized to adopt CE.

(ii) THAT if adoption order is granted the said child be thereafter known as CEM

(iii) THAT the said child be equally considered as Kenyan Citizen.

(iv) THAT the consent of the biological parents be dispensed with since the biological mother died in the year 2011 and the father has never met the child or made any efforts geared towards knowing the child and/or being part and parcel of her life and as a result of which has never acquired parental responsibility over the said child.

(v) THAT Ms YWM and MR. INK may be appointed the legal guardian of the children in the event of death of the applicant or incapacity of the applicant rendering her unavailable or incapable of taking care of the child.

(vi) THAT the Registrar- General do make appropriate entries in the Adopted Children's Register in respect of CEM.

2. The Applicant a Kenyan Citizen was born on 25th March 1978. She is a Christian single lady who has never been married and works as a social worker.

3. The child has been in the continuous custody of the Applicant since the mother of the child died on 30/4/2011. The child was born on [particulars withheld] to the late SLM at Kenyatta National Hospital.

4. This is a Kinship adoption as the late S L M was a sister to the Applicant.

5. The Child was declared free for adoption by the case committee of Kenya Children's home Adoption Society on 17.1.2018 and a certificate no. 1393 was issued.

6. The Director of Children's Services investigated the matter and issued a report dated 20.6.2018 filed in Court on 11.7.2018.

7. The Guardian ad Litem wrote a report dated 26.6.2018 which recommended the adoption. The Adoption Society also filed a report dated 2.5.2011.

8. I have considered the originating summons dated 24.1.2018 together with the Affidavit in Support of the same. I have also considered the Reports filed by the Guardian Ad Litem the Adoption Society, and the Director of Children's Services. My findings are as follows:

(i) I find that this is a Kinship adoption since the applicant is a sister to the mother of the child.

(ii) The Consent of the biological parents is dispensed with since the Children's mother died on 30.4.2011 leaving the child under the care of the Applicant.

(iii) I find that the Reports filed herein are favorable and it is in the best interest of the child to be adopted by the applicant.

(v) I accordingly allow the Application and order that the Applicant be and is hereby allowed to adopt the child.

(v) That the child be known as CEM.

(vi) That YWM and INK be and are hereby appointed as legal guardians of the child in the event of death of the Applicant or incapacity before the child reaches the age of the majority.

(vii) The Registrar- General is directed to enter the adoption order in the adoption register.

(viii) The Guardian ad Litem be and is hereby discharged.

Orders to issue accordingly.

DELIVERED, SIGNED AND DATED IN OPEN COURT THIS 18TH DEC 2018

ASENATH ONGERI

JUDGE OF THE HIGH COURT OF KENYA, NAIROBI

IN THE PRESENCE OF:

MS. LYDIA NABUTILU MUNOKO