

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MILIMANI

ADOPTION CAUSE NO. 258 OF 2015 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF BABY E

JUDGEMENT

1. N I H A is a single applicant, who is Kenyan citizen. She seeks to adopt a Kenyan female child, known for the purposes of these proceedings as S K A A H. Her Originating Summons is dated 22nd October 2015.
2. S K A A H is a child of a nephew of the applicant. The child's mother passed away in 2006. Since then she has remained under the care of the applicant, with whom she had lived even before her mother died. The applicant has been her guardian and godmother since then, supporting her with her schooling, with little help from her father. Her father remarried, but the child has remained in good relations with her father and her siblings. She has consented to being adopted by the applicant. The father of the child has also consented to the proposed adoption by his letter dated 15th September 2015.
3. The child was freed for adoption by the Change Trust adoption society by their certificate serial number 00047.
4. To facilitate this adoption, the applicant has been assessed by the Change Trust, the Director of Children Services, and the guardian *ad litem*, C W K. These three have compiled and filed their reports in court, dated 6th October 2015, 17th February 2016 and 21st January 2016, respectively. All these reports are favourable and recommend the proposed adoption. The applicant has filed documents that demonstrate that she has the financial and emotional capability and capacity to take care of the child. The child appears to have bonded well with the applicant and she considers her to be her parent.
5. I have noted that this is a kinship adoption. The child has lived with the applicant for a considerable period of time, with the applicant catering for all her needs.
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 parents 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. The court allows

the applicant's application to adopt the child. The consent of the biological parents of the child is hereby dispensed with. The applicant, N I H A, is hereby allowed to adopt the child, S K A A H. She shall hereafter be known as S Ka A A H. A A is hereby appointed the legal guardian of the child in the event of the untoward happening to the applicant. The Registrar-General is directed to enter this adoption order in the adoption register. The guardian *ad litem* is hereby discharged.

DATED, SIGNED and DELIVERED at NAIROBI this 24TH DAY OF MARCH, 2016.

W. MUSYOKA

JUDGE