

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 100 OF 2015

IN THE MATTER OF THE CHILDREN'S ACT

AND IN THE MATTER OF C N M

K M M.....APPLICANT

JUDGMENT

The Applicant, K M M filed an application seeking to adopt a minor C N M also the child in this matter, who is her grand-daughter. The Applicant was married to her late husband E M in 1966 and had been living with him in Nyamira County till he passed away. They had five children together. She is the grandmother to the child in this matter and has been caring of her since the death of her mother, M M M who is the Applicant's daughter. The Applicant's four children have consented to the adoption of the child. The Applicant sought the approval of the Kenya Children's Home with the intention of being approved as a potential adoptive parent. The Kenya Children's Home found the Applicant to be a suitable potential adoptive parent to proceed to court to formalize the adoption.

The child in this matter C N M was born to the late M M M at Keumbu Health Center on the 27th December 1998. Her mother succumbed to lobar pneumonia on 17th April 2010. The child started living with her grandmother K M M. The child has been in the continuous care of her grandmother who has assumed all parental responsibility over the child and continues to render the care to date. The minor has written a letter consenting to the adoption. C N M is currently in Form Two at [particulars withheld] Girls Secondary School.

The minor is a child in need of care and protection as she has no parents. She has no other known relatives and therefore needs a permanent home and family to identify with and be in a position to receive parental care as she grows. The Kenya Children's Home declared the child free for adoption (**Freeing Certificate Serial No.** [particulars withheld]) on the 21st January 2015 pursuant to **Section 156(1) of the Children's Act 2001**. The Kenya Children's Home approved of K M M as a suitable potential adoptive parent and supported the adoption. The child was declared free for adoption by Certificate Number [particulars withheld].

R M who is the uncle to the child was appointed as the Guardian ad litem by the court, he also wrote a report on the adoption of C N M by K M M. He wrote that the Applicant had bonded very well with the child and he recommended that the process of adoption be completed for the best interest of the child and the family at large.

The Director of Children Services wrote in his report that it was obvious that the child had bonded well with the Applicant. He also recommended the adoption of C N M by K M M. The Applicant complied with all the legal requirements of a kinship adoption.

She is socially and economically able to continue providing parental responsibility to the child. After examining all the reports that have been presented it is clear to this court that this adoption is in the best interests of the child.

The Applicant, K M M is hereby authorized to adopt the child C N M. The child shall therefore be known as C N M and her place of birth shall be Keumbu Health Centre, Kisii-Nyanza, Kenya. She is therefore presumed to be a Kenyan Citizen by birth. R M is hereby appointed to be the legal guardian of the child

should misfortune befall the Applicant. The Registrar General is hereby directed to enter this order in the Adoption Register. The guardian ad litem is hereby discharged. It is so ordered.

READ AND DELIVERED IN OPEN COURT AT NAIROBI THIS 29th DAY OF SEPTEMBER, 2016

MARGARET W. MUIGAI

JUDGE

In the presence of;

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Rectified under Section 99 & 100 Civil Procedure Act Vide Applicant's letter of 17TH October, 2016