

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 194 OF 2015

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF L A O (MINOR)

R A OAPPLICANT

JUDGMENT

R A O (“the Applicant”) seeks by her application filed on 20th August 2015 to be allowed by this Court to adopt L A O (hereafter “the child”). The Applicant works for the [Particulars withheld] in South Sudan in the area of human resources and administration as a Human Resources Administrator. She has never been married. She has one (1) biological son, B J W who is an adult. He has given his consent to the proposed adoption by the Applicant. The child who is the subject of the present adoption proceedings was born on 2nd June 2003. She is the daughter of the Applicant’s late brother F S O and his wife M A W. The child’s father passed away on 25th February 2012. A copy of the death certificate has been annexed to the Applicant’s application. The child has a brother, D W O who is an adult. The child’s biological mother left her children with their paternal family when she remarried and the Applicant thereafter assumed responsibility over the children. The child’s biological mother has given consent to the proposed adoption citing her inability to take care of the child due to financial constraints as she has other children in her current marriage. The child’s brother has also given his consent to the proposed adoption by the Applicant. This is therefore an adoption within a family.

The adoption society, Little Angels Network issued a certificate declaring the child free for adoption pursuant to **Section 156(1)** of the **Children Act**. The said freeing certificate is no. [Particulars withheld] and the same is dated 26th June 2015. In her application filed on 20th August 2015, the Applicant sought among others, orders from this Court that B O B be appointed as the child’s guardian ad litem, and that the Director of Children’s Services be ordered to investigate the suitability of the Applicant to adopt the child and submit a report. The Applicant also sought to have the Court appoint her sister A O and her brother-in-law E O O as the child’s legal guardians. On 4th March 2016, this Court issued an order appointing B O B as the child’s guardian ad litem, and further directed the guardian ad litem and the Director of Children’s Services to file their respective reports in Court within forty five (45) days.

Pursuant to **Section 156(1)** of the **Children Act**, before this matter came up for hearing, Little Angels Network, the relevant adoption society, prepared and filed in Court a favourable report in respect of the proposed adoption of the child by the Applicant. Another report in respect of the proposed adoption of the child by the Applicant was prepared by the Director of Children’s Services, and this report was similarly in favour of the proposed adoption. The guardian ad litem, B O B, also filed the statutory report made under **Section 160(2)** of the **Children Act** in which he noted that the proposed adoption of the child by the Applicant is in the best interest of the child.

All the statutory reports that have been filed in respect of the proposed adoption of the child by the Applicant have recommended that this Court allows the Applicant to adopt the child. This Court has evaluated the facts of this adoption. This is a local adoption. It is evident that the Applicant has fulfilled all the legal requirements relative to the adoption of the child. The consent of the biological mother of the child has been obtained. This Court has satisfied itself that the Applicant is qualified and able to take care of the child. The home visits by the guardian ad litem, the adoption society and the Director of the

Children's Services established that the Applicant has the financial and emotional capability to provide for the upkeep and education of the child. This Court observed the Applicant with the child in Court and it was evident that in the period that the Applicant has had the custody of the child, the child has bonded well with her. The child considers the Applicant to be her mother.

On the basis of a careful examination of the documents presented before me as well as the observations made therein, this Court has formed the opinion that it would be in the best interest of the child to be adopted by the Applicant. Hence, this Court allows the Applicant's application. The Applicant, R A O, is hereby allowed to adopt L A O. The Applicant's sister, A O and her brother-in-law, E O O , shall be the legal guardians of the child should such eventuality arise. This Court directs the Registrar General to duly enter this order in the Adoption Register. The guardian ad litem is hereby discharged. It is so ordered.

DATED AT NAIROBI THIS 31ST DAY OF OCTOBER 2016

M. W. MUIGAI

JUDGE

In presence of:-

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