

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

(FAMILY DIVISION)

ADOPTION CAUSE NO. 296 OF 2015

IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY A S W

JUDGEMENT

1. The applicant, M W K, is a Kenyan citizen. She is a widow. She seeks to adopt Baby A S W. Her Originating Summons is dated 16th December 2015.
2. The child in question was born on 12th December 2003 at the Kenyatta National Hospital to a mother called T W K. The biological mother is a daughter of the applicant. She breastfed the child for three months only and gave the child up for adoption on the grounds that she was financially incapable of taking care of the child. The child has been raised by the applicant since birth. The child is aware that her biological mother abandoned and rejected her. She considers the applicant as her mother and she has consented to the application for her adoption by the applicant.
3. The child was freed for adoption by the Little Angels Network adoption society by their certificate number 001327 of 31st July 2013.
4. To facilitate this adoption, the applicants have been assessed by the Little Angels Network, the Director of Children Services and the guardian *ad litem*, A G K. The three have compiled and filed their reports in court. That by the Director of Children Services is dated 9th August 2016, while that of the guardian *ad litem* is dated 20th September 2016. The report by the Little Angels Network is dated 31st August 2013.
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, M W K, is hereby allowed to adopt the child Baby A S W, who shall hereafter be known by the same name, A S W;

(b) That the said child is hereby declared to be Kenyan by birth; her date of birth is 12th December 2003;

(c) That N N K 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 25TH DAY OF NOVEMBER, 2016.

W. MUSYOKA

JUDGE