

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MILIMANI

ADOPTION CAUSE NO. 63 OF 2014 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF A J W

JUDGEMENT

1. The applicant, E W W, is of Kenyan nationality. By her Originating Summons dated 18th February 2014, she seeks to adopt a male child called A J W.
2. The subject child, A J W, was born in Kenya on 8th January 2010 to a nephew of the applicant and his wife, both subsequently died in a road accident on 4th December 2010. The child was placed with the applicant by the Children's Court on 7th June 2011 vide a guardianship order and she has been with the child since then.
3. This adoption is being arranged by the KKPI adoption agency. The said adoption agency declared the child free for adoption through their certificate of 10th March 2014.
4. To facilitate this adoption, the applicants have been assessed by the KKPI adoption agency, the guardian *ad litem*, E N N, and the Director of Children Services. All three have compiled and filed their reports in court. The report by the Director of Children Services dated is 16th October 2014, while that by the KKPI adoption agency is undated. The report of the guardian *ad litem* is dated 5th November 2014.
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 appears to have bonded well with her and he considers her to be his parent. I note that the applicant has two biological children of her own, who are now adults.
6. In the opinion of this court it would be in the best interests of the child that he 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 become 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 he 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. This being an adoption within the family, I find that the application before me has merit and I hereby allow the applicant, E W W, to adopt A J W to be known hereafter as A J W. I hereby appoint C N the child's legal guardian should misfortune befall the applicant during the child's minority. The child is hereby declared Kenyan by birth as he was born in Kenya to known Kenyan parents. I direct the Registrar-General to enter this adoption order in the adoption register. The

guardian *ad litem* is hereby discharged.

Dated, signed and delivered at Nairobi this 17th day of April 2015.

W MUSYOKA

JUDGE

In the presence of Ms. Kiaganyu advocate for the applicants.