



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MILIMANI**  
**ADOPTION CAUSE NO. 15 OF 2014 (OS)**  
**AND**  
**IN THE MATTER OF THE CHILDREN'S ACT**  
**(NO. 8 OF 2001)**  
**AND**  
**IN THE MATTER OF T T K**  
**JUDGEMENT**

1. The applicants, S J A and E W A, are a married couple from the United States of America, the second applicant being also a Kenyan national. They have filed the Originating Summons dated 22<sup>nd</sup> January 2014 seeking the court's permission to adopt the Kenyan male child known for the purpose of these proceedings as Baby T T K.
2. Baby T T K, the subject of these adoption proceedings, was born on 18<sup>th</sup> May 2004 to an older sister of the female applicant. The birth mother died on 6<sup>th</sup> May 2011. As she was not married, the child was taken in by one of her mother's cousins, E W W, as his other close relatives, that is to say the female applicant herein and his grandmother, were then away in the United States of America. The child currently attends school in Nairobi. The proposed adoption is therefore a kinship adoption where the child is sought to be adopted by his maternal aunt. The relevant consents have been sought and obtained.
3. This adoption process is being arranged by the Little Angels Network, who freed the child for adoption on 6<sup>th</sup> February 2013 and issued a certificate of even date to that effect.
4. To facilitate the adoption the applicants have been assessed by the Little Angels Network, the guardian *ad litem*, F D A O, and by the Director of the Children's Services. These two have compiled and filed their reports in court dated 13<sup>th</sup> March 2014 and 18<sup>th</sup> March 2014, respectively.
5. All these reports are favourable and recommend the proposed adoption. The applicants have demonstrated that they have the financial and emotional capability and capacity to take care of the child. The child appears to have bonded well with them.
6. The proposed adoption has been approved by the Department of Homeland Services, US Citizenship and Immigration Services. The Approval Notice is dated 13<sup>th</sup> May 2013. There is a confirmation by the Carolina Adoption Services that the United States of America government

will recognise the adoption decree pronounced by this court and the adopted child would gain resident status in the United States of America. The Kenyan National Adoption Committee approved the proposed adoption on 21<sup>st</sup> August 2013, and has issued a certificate dated 13<sup>th</sup> September 2013.

7. In the opinion of this court it would be in the interests of the child that the child is adopted by the applicants. The applicants 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 applicants will be required to execute an undertaking that they shall assume all parental rights and duties of the biological parents in respect of the adopted child; they shall treat the adopted child as if he was born to them. The applicants have 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 their property. The applicants cannot give up the child owing to any subsequent unforeseen behaviour or other changes in the child.
8. I am satisfied that all the legal requirements for an international adoption have been met. The applicants, S J A and E W A, are hereby allowed to adopt the child, Baby T T K. His name shall hereafter be T T K. I also hereby appoint S A legal guardian of the child should anything untoward happen to the applicants. The Registrar-General is directed to enter this adoption order in the adoption register. The guardian *ad litem* is hereby discharged.
9. The child was born in Kenya to a known Kenya mother and therefore he is Kenyan by birth, entitled to all the rights that accrue to citizens by virtue of the provisions of the Constitution of Kenya 2010 and the Kenya Citizenship and Immigration Act.

**DATED, SIGNED and DELIVERED at NAIROBI this 19<sup>th</sup> DAY OF December 2014.**

**W. MUSYOKA**

**JUDGE**

**In the presence of Mr. Mwenda advocate for the applicants.**