



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MILIMANI
ADOPTION CAUSE NO. 147 OF 2013 (OS)
AND
IN THE MATTER OF THE CHILDREN'S ACT
(NO. 8 OF 2001)
AND
IN THE MATTER OF BABY A N

JUDGEMENT

1. F W G is a single applicant, who is Kenyan citizen. She seeks to adopt a Kenyan female child, known for the purposes of these proceedings as A N. Her Originating Summons is dated 21st May 2013.
2. A N was born on 31st October 2001 to a sister of the applicant, who died sometime in July 2011. The father of the child is unknown. The child, together with another, was raised by the applicant and their grandmother as their mother worked away from home. The two children remained under the joint care of the applicant and their grandmother after the death of their mother. The biological children of the applicant have consented to the adoption, and so have the siblings of the applicant. The child herself has consented to being adopted by her aunt, who in any event has been taking care of her.
3. This background is set out in the statement in support of the application as well as the affidavit of the applicant verifying the statement, and in the documents prepared and filed in court by the KKPI Adoption Society on 18th July 2013.
4. The child was freed for adoption by the KKPI Adoption Society by their declaration certificate dated 31st October 2012.
5. To facilitate this adoption, the applicant has been assessed by the KKPI Adoption Society, the Director of Children Services and the guardian *ad litem*, M N K. These three have compiled and filed their reports in court. The report by the KKPI Adoption Society is dated 15th July 2013, while that by the Director of Children services is dated 16th May 2014. The guardian *ad litem*'s report is dated 26th June 2014.
6. All these reports are favourable and recommend the proposed adoption. The applicant has filed

documents that demonstrate that she has the financial and emotional capability and capacity to take care of the child. The child appears to have bonded well with the applicant and she considers her to be her parent.

7. 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 parents 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.
8. 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 court allows the application by F W G to adopt the child A N;
 - b. The said child shall hereafter be known as A N W;
 - c. That P T is hereby appointed the legal guardian of the child in the event of the untoward happening to the applicant;
 - d. That the Registrar-General is directed to enter this adoption order in the adoption register;
 - e. That the guardian *ad litem* is hereby accordingly discharged; and
 - f. That the child is hereby declared Kenyan by birth on account of having been in Kenya to a known Kenyan mother.

DATED, SIGNED and DELIVERED at NAIROBI this 11th DAY OF December 2014.

W MUSYOKA

JUDGE

In the presence of Mr. Ndirangu for Miss Njuguna advocate for the applicants.