



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MILIMANI**  
**ADOPTION CAUSE NO. 149 OF 2013 (OS)**  
**AND**  
**IN THE MATTER OF THE CHILDREN'S ACT**  
**(NO. 8 OF 2001)**  
**AND**  
**IN THE MATTER OF J M, A CHILD**

**JUDGEMENT**

1. F W G is a single applicant, who is Kenyan citizen. She seeks to adopt a Kenyan male child, known for the purposes of these proceedings as J M. Her Originating Summons is dated 25<sup>th</sup> June 2013.
2. J M was born on 4<sup>th</sup> April 1999 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 himself has consented to being adopted by his aunt, who in any event has been taking care of him.
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 18<sup>th</sup> July 2013.
4. The child was freed for adoption by the KKPI Adoption Society by their declaration certificate dated 31<sup>st</sup> 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 15<sup>th</sup> July 2013, while that by the Director of Children services is dated 16<sup>th</sup> May 2014. The guardian *ad litem*'s report is dated 26<sup>th</sup> 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 he considers her to be his parent.

7. 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 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 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.
8. I am cognisant of the fact that the applicant is a sole female seeking to adopt a male child. Special circumstances do exist in the fact that this is a family adoption. The child sought to be adopted is the paternal nephew of the applicant, who has in any case been living with the applicant all his life.
9. 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 hereby allows the application by F W G to adopt the child J M;
  - b. That the consent of the biological parents of the child is hereby dispensed with;
  - c. The said child shall hereafter be known as J M W;
  - d. That P T is hereby appointed the legal guardian of the child in the event of the untoward happening to the applicant;
  - e. That the Registrar-General is directed to enter this adoption order in the adoption register;
  - f. That the guardian *ad litem* is hereby accordingly discharged; and
  - g. 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 Mr. Wainaina advocate for the applicants.**