

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MILIMANI

ADOPTION CAUSE NO. 217 OF 2012 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT (NO. 8 OF 2001)

AND

IN THE MATTER OF A M, CHILD

JUDGEMENT

1. The applicants, Y A N and S J K, are Kenyan citizens. They are a married couple. By their Originating Summons dated 19th October 2011 they seek to adopt a female child called A M.
2. A M, was born on 22nd March 1997, and is a niece of the first applicant, being the biological child of the first applicant's female cousin, R Y F. She holds birth certificate number ***[particulars withheld]***. The name of the father is not reflected in the certificate, and it would appear that he did not, and does not, feature in the child's life. The child's mother died on 26th November 1998, and the child came under the care of her grandmother, who also subsequently passed away. The said grandmother was a frequent visit to the home of the applicants, and it was through these visits that the child and the applicants got acquainted. In the process the subject child developed a very close bond with the applicants' children. After her grandmother's death, the applicants decided to adopt the subject child. They took permanent custody of her in 2002 and have been with her since.
3. This adoption is being arranged through the Kenya Children's Homes. The said adoption agency declared the child free for adoption through their certificate of 14th August 2012.
4. To facilitate this adoption, the applicants have been assessed by the guardian *ad litem*, A WA and the Director of Children Services. These two have compiled and filed their reports in court. The report by the Director of Children Services dated 1st July 2013, while that by the guardian *ad litem* is dated 7th October 2013.
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 and she considers them to be her parents.
6. In the opinion of this court it would be in the best interests of the child that she 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 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.
7. I hereby permit the applicants, Y A N and S J K, to adopt A M, to be known hereafter as A M N. I appoint A W A the child's legal guardian should misfortune befall the applicants during the

child's minority. I direct the Registrar-General to enter this adoption order in the adoption register. The guardian *ad litem* is hereby discharged.

8. The child was born within Kenya, to a known Kenyan mother, she is therefore Kenyan by birth.

DATED, SIGNED and DELIVERED at NAIROBI this 20th DAY OF December, 2013.

W.M. MUSYOKA

JUDGE