



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT MOMBASA**

*(Coram: Ojwang, J.)*

**ADOPTION CAUSE NO. 12 OF 2010**

**IN THE MATTER OF: THE CHILDREN ACT, 2001 (ACT  
NO. 8 OF 2001)**

**-AND-**

**IN THE MATTER OF: *G.F***

**-AND-**

**IN THE MATTER OF: AN APPLICATION FOR ORDERS  
OF ADOPTION OF**

**THE MINOR *G.F* BY *R. M***

**-BETWEEN-**

**R.M.....**

**.....APPLICANT**

**-AND-**

**LITTLE ANGELS**

**NETWORK.....RESPONDENT**

**JUDGMENT**

The applicant, through M/s Christine Kipsang & Co., Advocates, came before the Court by Originating Summons dated **9<sup>th</sup> September, 2010** and brought under ss. 154, 156, 157, 158, 160, 169 and 170 of the Children Act, 2001 (Act No. 8 of 2001), and s. 3A of the Civil Procedure Act (Cap. 21, Laws of Kenya); she was seeking Orders as follows:

- (a) that **M.B Price** of P. O. Box No.[.....], Kilifi be appointed guardian **ad litem** in this case;
- (b) that **R.M** be authorized to adopt **G.F**, the minor child;
- (c) that the current name of the minor child be substituted with the name **P.A.C**;
- (d) that costs be in the cause.

The applicant, in her statement in support of the application for adoption, averred that she is an adult person of sound mind; born on **24<sup>th</sup> October, 1966** in Kilifi District; mother of three children (born respectively in **1989, 1992** and **1995**) who have no objection to the proposed adoption; Kenyan national of African descent; medically fit; by occupation, a school teacher at N Primary School, on a monthly salary of Kshs. 21,000/=; Christian by faith, and strongly religious.

The applicant stated that she desired to adopt **G.F**, a minor aged just under one year, and of Kenyan nationality. She averred that she had nor received, nor agreed to receive any payment or consideration on seeking orders of adoption for the minor child; she had not met any person who has applied for orders of adoption in respect of the minor child; and no other formal application has been made in relation to the adoption of **G.F**.

In an affidavit sworn on **9<sup>th</sup> September, 2010** the applicant deposed that she is financially stable and able to provide for the minor child a decent life; that she had lived with the child since **30<sup>th</sup> March, 2010** and intends to bring him up in Christian culture; that she intends to accord the child all parental love and affection, as well as quality life.

The applicant also executed a certificate of understanding, in relation to the responsibilities reposed in an adoptive parent: permanent

parental responsibility assumed, and the consequences thereof.

The applicant's averments were further confirmed in the affidavit of the proposed guardian *ad litem* who also deponed that he had no personal interest of any kind which may be adverse to the interests of the minor child.

Learned counsel, **Mrs. Kipsang** presented the applicant's case, and stated that the proposed guardian *ad litem* understood that he had a duty to intervene if anything occurred which would be contrary to the best interests of the child.

**Ms. Faith Muita**, a social worker with the respondent, Little Angels Network, informed the Court that a "home study" had been conducted, and a report made, to declare the minor child free for adoption, pursuant to s. 156(1) of the Children Act, 2003. The relevant report, dated 17<sup>th</sup> August, 2010 records:

***"The case Committee of Little Angels Network as prescribed [in] Regulation 16 of the Adoption Regulations, 2005 (Legislative Supplement No. 21) deliberated on this matter in a meeting on 19<sup>th</sup> May, 2010. The Committee was satisfied that the child in this matter, GF is available for adoption and, further, that the adoption would be in the child's best interest."***

The respondent issued a ***Certificate to Declare the Child Free for Adoption***, No. 000675 dated ***19th May, 2010***.

**Ms. Muita** said the respondent, in its home - study report, found that the minor child was doing well under the applicant's care, and that the applicant was a suitable person to adopt the child; she asked that the applicant be permitted to adopt the child.

An offer, by a suitable parent, to admit a parentless child into the family, providing love and care for such a child, is a supreme act of benevolence which the Court will facilitate, in enhancement of a precious manifestation of humanity; and in this particular case, all the evidence shows the suitability of the proposed adoption.

Accordingly, I will make Orders as follows:

- (1) **M.B.P** of P. O. Box No. [...], kilifi is appointed guardian ***ad litem*** in this case.
- (2) **R.M** is hereby authorized to adopt **G.F**, the minor child.
- (3) The name of the minor child shall henceforth be: **P. A. C**; and this name shall be adopted in all official documents bearing the identity of the child.
- (4) Costs in the proceedings shall be in the cause.

**DATED** and **DELIVERED** at **MOMBASA** this 8<sup>th</sup> day of April, 2011.

.....  
**J. B. OJWANG**  
**JUDGE**

Coram: **Ojwang, J.**  
Court Clerk: **Ibrahim**  
For the Applicant: **Mrs. Kipsang**