



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI
ADOPTION CAUSE NO.92 OF 2010
IN THE MATTER OF THE CHILDREN ACT, 2001
AND
IN THE MATTER OF A.S.N.K – MINOR

E.W.K.....APPLICANT

J U D G M E N T

The applicant, E.W.K, is a sole female applicant. She was on 26th February 2010 married to K.T.S, a Canadian citizen. Her husband has given consent to the applicant to apply to adopt the child. The applicant is employed as an examination officer at Strathmore University. A.S.N.K (the child) is the daughter of the applicant's unmarried sister who died on 7th May 2005 as a result of a road traffic accident. The child was born on 27th November 1998. Since the death of her mother, the child has been living with the applicant. The applicant has provided all the material and educational needs of the child. The applicant now wishes to adopt the child.

The applicant was assessed by Little Angels Network, an Adoption Society and the Director of Children's Services. The two organizations prepared reports which have been filed in the court record. This court has read the said reports and also the report of M.W.N, the guardian ad litem. All the reports are favourable and recommend the adoption. This is a local adoption. The applicant is a sole female applicant who has expressed her wish to adopt a female child. The proposed adoption is within the family. The applicant is an aunt to the child. The applicant has established that she has the financial and emotional capacity and capability to take care of the child. The applicant has had continuous custody of the child from 7th May 2005 when the child's mother (the applicant's sister) died as a result of a road traffic accident. The applicant has shown diligence in taking care of the child, including enrolling the child in a reputable private catholic school. According to the reports filed, the child considers the applicant to be her mother. The applicant's husband has given consent to the adoption. This court is of the view that the applicant has fulfilled all the legal requirements for a local adoption.

This court formed the opinion that it would be in the best interest of the child for the child to be adopted by the applicant. The applicant will provide a home and a family for the child to grow up and be a useful member of the society. The applicant will be required to execute an undertaking that she shall assume all the 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; she has been made aware that once the adoption order is issued, it shall be final and binding during the lifetime of the child that she shall adopt; that the child shall have the

right to inherit her property; that an adoption order cannot be recanted, and further, that she shall not give up the child owing to any subsequent unforeseen behaviours or other changes in the child.

The court will therefore allow the applicant's application to adopt the child. She has fulfilled the legal conditions for a local adoption by a sole female applicant. The proposed adoption is within the family set up. The applicant, E.W.K, is hereby allowed to adopt A.S.N.K. The child shall continue to be known by her names A. S.N.K. J.N.K, shall be the legal guardian of the child should any misfortune befall the applicant. The Registrar General is hereby directed to enter this adoption order in the Adoption Register. The guardian ad litem is hereby discharged. It is so ordered.

DATED AT NAIROBI THIS 11TH DAY OF NOVEMBER, 2010

**L. KIMARU
JUDGE**