



**In re AN alias NET (Child) (Adoption Cause E001 of 2022)
[2024] KEHC 2234 (KLR) (7 March 2024) (Judgment)**

Neutral citation: [2024] KEHC 2234 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MIGORI
ADOPTION CAUSE E001 OF 2022
RPV WENDOH, J
MARCH 7, 2024
IN RE AN ALIAS NET (CHILD)**

IN THE MATTER OF

MAA APPLICANT

JUDGMENT

1. By the amended originating summons dated 13/6/2022, the applicant MAA sought the following orders:-
 1. That the applicant be authorized to adopt AN alias NET to be known as NET;
 2. The child be presumed to be a Kenyan Citizen;
 3. That the Registrar General be directed to enter the adoption in the Adopted Children's register;
 4. That the Director of Registration be advised to issue the child with a Kenyan Passport;
 5. That MKM be appointed *guardian ad litem* and legal guardian of the child in the event of the applicants incapacity or death before the child is of maturity age;
 6. Consent of biological parents be dispensed with.
2. The originating summons was supported by the applicant's affidavit dated 13/6/2022.
3. The applicant applied to the Springs of Life Children's Home to have the child placed in her custody and care with a view of adopting the child, on 18/6/2018 (MAA1) and the application was granted by the Home by letter, dated 21/9/2018 and the child was placed in the applicants care since. The applicant is a widow, self-employed, running a hotel business and a farmer, has a comfortable home and also owning assets annexed MAA 7. The applicant was examined by and found to be medically fit as per report dated 21/5/2022, save for being hypertensive but was on medication.



4. The applicant has four adult children. They all filed affidavits dated 25/10/2022. NRT, INT, EIAT and CBT and had no objection to their mother adopting the child.
5. On 5/7/2023 the court appointed MKM as the guardian ad Litem. The *guardian ad Litem* filed her report on 22/11/2023 confirming that the child has been in the custody and care of the applicant since 2018 and is well taken care of, is enrolled in the best private school in the area they have and that from her assessment, the applicant is able to take care of the minor economically and provide her with parental love and care. She supported the application for adoption.
6. The Childrens Officer Kisumu West Sub County filed a detailed report on the capacity of the applicant to adopt the minor and after a visit to the home on 6/9/2023 confirmed that the applicant is economically and somebody who is fit to adopt the child.
7. The documents filed herein, the reports of the *Guardian ad Litem* and that of Children’s officer both recommend adoption. I am satisfied that the adoption will serve the best interest of the subject child.
8. When dealing with issues relating to a child, a court is obliged to give priority to the best interests of the child. Section 44 (2) of the *Childrens Act*:-

“In all actions concerning Children, whether undertaken by Public or Private Social Welfare Institutions, Courts of law, Administrative authority, or legislative bodies ; the best interest of the child shall be a primary consideration.”

9. In this case, the child was residing at Spring of Life Children’s home. The applicant intends to have the Child brought up in a family set up which in my view is in the best interests of the child.
10. Accordingly, I allow the application and make the following orders:-
 1. That the applicant is authorized to adopt the child AN to be known as N. E. T.;
 2. Upon adoption the child shall be known as N. E. T.;
 3. The Registrar General is directed to make the relevant entry in the adopted Children’s register;
 4. The child is declared to be a Kenyan Citizen by birth and is entitled to all the rights and liberties due to a citizen of Kenya

DELIVERED, DATED AND SIGNED AT MIGORI THIS 7TH DAY OF MARCH, 2024.

R. WENDOH

JUDGE

In presence of;

Ms. Apondi for Applicant

Phelix –Court Assistant

