



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI LAW COURTS

FAMILY DIVISION

ADOPTION CAUSE NO. E074 OF 2020 (OS)

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF AN APPLICATION FOR AN ADOPTION OF BABY B.M.G. alias M.G.K.S. (CHILD)

IN THE MATTER OF AN APPLICATION FOR ADOPTION BY

RNS.....APPLICANT

JUDGMENT

1. The applicant RNS is a single Kenyan woman aged 50. She is a counsellor with [particulars withheld] Counselling Practice. She resides in Leicester City, United Kingdom. She filed this originating summons dated 27th December 2019 seeking to adopt Baby M.G. alias M.G.K.S. (child).
2. This is a kinship adoption. Child M.G. alias M.G.K.S. was born on 25th May 2006 to GWM and the late JKK. The latter was the applicant's brother who died on 16th December 2012 at Uasin Gishu. Upon the demise of the father, the applicant assumed parental responsibility over the child. The mother was not in apposition to take care of the child due to alcoholism. She had absconded her duties and neglected the child. The applicant was appointed as the child's guardian on 2nd December 2014 vide **Misc. Cause No. 202 of 2014**. On 31st January 2019 the child was declared free for adoption vide certificate 628 issued by K.K.P.I. Adoption Society.
3. On 4th March 2021 the court appointed MKK as the guardian *ad litem* and ordered her and the Director of Children Services to separately carry out a social inquiry on the applicant to determine her suitability to adopt the child. The two reports were filed. Both recommended that the applicant to be allowed to adopt the child. The reports found that the applicant was socially, emotionally and financially stable and suitable to adopt the child. It was also found that the child had bonded well with the applicant. The mother and the child have consented to the adoption.
4. The court finds that it is in the best interest of the child to be adopted by the applicant. The applicant has demonstrated her capability to provide a conducive home and family environment in which the child will grow and develop. She will assume all parental rights and obligations of the biological parents of the child once adopted, and shall treat her as if she was born to her. She has been made aware that once the adoption order is made, it shall be final and binding during the lifetime of the child. The child shall have the right to inherit her property. The applicant shall not be able to give up the child owing to any subsequent unforeseen behaviour or other changes in the child.
5. Having been satisfied that all the legal requirements for a local adoption under the **Children Act** have been met, the following orders shall issue:-
 - a) the applicant RNS is hereby allowed to adopt Child M.G alias M.G.K.S.;
 - b) Child M.G alias M.G.K.S. shall henceforth be known as MGKS;
 - c) the child's date of birth shall be 25th May 2006, and shall be presumed Kenyan citizen having born to Kenyan parents at Langas, in Uasin Gishu County in Kenya;
 - d) CN, JKK, FNK are hereby appointed as the child's legal guardians in the event of the death or incapacity of the applicant before

she is of full age and fully self-reliant;

e) the Registrar-General is directed to enter this adoption in the Adopted Children Register;

f) the Department of Immigration is directed to reissue the child with a Kenyan passport in the name of MGKS; and

g) the guardian *ad litem* is hereby discharged.

DATED and DELIVERED at NAIROBI this 17TH day of JUNE 2021.

A.O. MUCHELULE

JUDGE