



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
FAMILY DIVISION
ADOPTION CAUSE NO. 131 OF 2019 (OS)
IN THE MATTER OF THE CHILDREN ACT, 2001
AND
IN THE MATTER OF AN APPLICATION FOR AN ADOPTION OF BABY AM
IN THE MATTER OF AN APPLICATION FOR ADOPTION BY
PGK.....APPLICANT

JUDGMENT

1. The applicant PGK is a single Kenyan woman aged 48. She is a Health Care Trainer at [Particulars Withheld] in California in the U.S.A. She filed this amended originating summons dated 14th July 2020 seeking to adopt baby AM.
2. This is a kinship adoption. Baby AM was born on 26th January 2014 to the late PW, the applicant's cousin who died in December 2018 while undergoing lung cancer treatment. Upon the demise of the mother, the child was left in the custody of her maternal grandmother, MMN, who lives in Limuru. The father of the child was not known. On the 13th September 2019 the child was declared free for adoption vide certificate No. [...] issued by Change Trust Adoption Society.
3. On 25th February 2021 the court appointed GWK 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 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 grandmother of the child has 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 PGK is hereby allowed to adopt Child AM;
 - b) Child AM shall henceforth retain the name AM;
 - c) the child's date of birth shall be 26th January 2014, and shall be presumed Kenyan citizen having born at St. Mary Mission Hospital in Kenya;
 - d) JNM is hereby appointed as the child's legal guardian 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; and

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

DATED and DELIVERED at NAIROBI this 10TH day of JUNE 2021.

A.O. MUCHELULE

JUDGE