



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT KIAMBU
ADOPTION CAUSE NO. E013 OF 2021
IN THE MATTER OF CHILDREN'S ACT OF 2011
AND
IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY C.G.W. (MINOR)
SNN.APPLICANT
JUDGMENT

1. Before me is an Originating Summon dated 3rd August, 2021. The applicant seeks order to adopt the child who is her younger step sister.
2. The mother of the applicant and the child herein passed away on 28th May, 2021. Their mother was a single mother. Although the applicant and the child had a common mother their fathers were different. The applicant is 33 years old while the child is 11 years old. The applicant is married to a German national and she has joined her husband in Germany. Her intention is to take the child with her to Germany. It is noted that the applicant has provided financial assistance for the upkeep of the child during the lifetime of their mother. It is for that reason she seeks to adopt the child to ensure she takes care of her. The applicant's husband is supportive of this adoption. The adoption therefore is a kinship adoption.
3. There is in the file a report of the Children's Services Kiambu and a report by Buckner Kenya Adoption services, an adoption Society, approving the adoption and confirming suitability of the applicant and also confirming the child is free from adoption. Both reports confirm that this adoption will be in the best interest of the child.
4. At the hearing of this adoption I was able to interview *TNG* a friend of the family one who housed the child due to her residence being near the school that the child attends in Nairobi. I also questioned the applicant and the child. It was heartwarming to see an older sister care so much for her younger sister. The child is excited with the opportunity of being with her sister the applicant.
5. As stated, this is a kinship adoption. The child will therefore remain with family. Such an adoption was considered in the case *In re ADOPTION OF EWM (MINOR)(2019) eKLR* the court stated this when considering a kinship adoption:-

“...this Court is satisfied that this is a kinship adoption and that the Applicants are suitable persons to adopt baby JN aka JNW and that they are financially stable and have the means to provide and care for him”

24. *In Re JNA [2018] eKLR* the court reiterated the concept of “local adoption” when it stated as follows:

‘Kenyans living abroad and wishing to adopt a Kenyan child will adopt as Kenyans by way of domestic adoptions. This is therefore considered to be a local adoption.’”

6. In the end, I find and hold that it will be in the best interest of the child to allow this adoption. I therefore grant the following orders:-
 - a. The applicant *S.N.N.* is hereby authorized to adopt *Baby C.G.W.* henceforth.
 - b. The Registrar General is hereby ordered to make appropriate entries in the Adopted Children's Register in respect to *Baby C.G.W.* and do issue a certificate to that effect.
 - c. *TNG* is hereby appointed legal guardian of the child *C.G.W.*

d. There shall be no orders as to costs hereof.

JUDGMENT DATED AND DELIVERED AT KIAMBU THIS 7TH DAY OF OCTOBER, 2021

MARY KASANGO

JUDGE

Coram:

Court Assistant..... Ndege

For the applicant:- Mr. Thiongo

COURT

Judgment delivered virtually.

MARY KASANGO

JUDGE