

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KAKAMEGA

ADOPTION CAUSE NO. E004 OF 2021

IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY SK (MINOR)

JUDGMENT

1. The applicant, LAK, is a Kenyan citizen. He seeks to adopt Baby SK. His Originating Summons is dated 25th June 2021.

2. The child in question is a female child, and a niece of the applicant, the applicant being her uncle, whose brother, the father of the child, died in 2006. It is, therefore, a kinship adoption. The child is currently under the care of her paternal uncle a brother of the applicant. The biological mother of the child moved on and got married to someone else, who is not keen on the subject child. The mother has consented to the adoption. The child was freed for adoption on 1st December 2021, by the Little Angels Network adoption society, by their certificate number xxxx of even date.

3. To facilitate this adoption, the applicant has been assessed by the Little Angels Network adoption society, the Director of Children Services and the guardian *ad litem*, DIK. The three have compiled and filed their reports in court. The report by the Director of Children Services is dated 18th June 2021, but appearing as 18th June 2020, done through the Lugari Sub-County Children's Officer Benjamin Obare, through Richard Masika, the Kakamega County Coordinator of Children Services, while that of the guardian *ad litem* is undated, but was filed herein on 6th December 2021. The report by the Little Angels Network adoption society is dated 1st December 2021. All these reports are favourable and recommend the proposed adoption. The applicant has demonstrated that he has the financial and emotional capability and capacity to take care of the child. The child herself appears to have bonded well with the applicant and she considers him to be her parent.

4. In the opinion of this court it would be in the best interests of the child that she is adopted by the applicant. The applicant will be able to provide a home and a family for the child to grow up in. Consequently, the applicant shall assume all parental rights and duties of the biological parent in respect of the adopted child; and shall treat the adopted child as if she was born to him. The applicant has been made aware that once the adoption order is made it shall be final and binding during the lifetime of the child, and that the child shall have the right to inherit her property in the event of her decease. The applicant cannot give up the child owing to any subsequent unforeseen behaviour or other changes in the child.

5. I am satisfied that all the legal requirements for a local adoption have been met, and I, therefore, make the following orders: -

- (a) That the applicant, LAK, is hereby allowed to adopt the child, S K, who shall hereafter be known SK;**
- (b) That the said child is Kenyan by birth, and was born on 15th December 2005;**
- (c) That the Registrar-General is hereby directed to enter this adoption order in the adoption register; and**
- (d) That the guardian *ad litem* is hereby discharged.**

DATED, SIGNED AND DELIVERED IN OPEN COURT AT KAKAMEGA THIS 14TH DAY OF DECEMBER, 2021

W. MUSYOKA

JUDGE