



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT KAKAMEGA**

**ADOPTION CAUSE NO. E2 OF 2021**

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

**JUDGMENT**

1. The applicant, ENM, is a Kenyan citizen. She seeks to adopt Baby RN. Her Originating Summons is dated 21<sup>st</sup> June 2021.
2. The child in question is a female child, a grandchild of the applicant, the applicant being her paternal grandmother, whose son, the father of the child, died in 2015. It is, therefore, a kinship adoption. The child is currently under the care of her biological mother, the daughter-in-law of the applicant. The mother has consented to the adoption. The child was freed for adoption on 20<sup>th</sup> April 2021, by the KKPI adoption society, by their certificate number 472, of even date.
3. To facilitate this adoption, the applicant has been assessed by the KKPI adoption society, the Director of Children Services and the guardian *ad litem*, JM. The three have compiled and filed their reports in court. The report by the Director of Children Services is dated 25<sup>th</sup> March 2021, done through the Kakamega Central/South Navakholo Sub-County Children's Officer, Stephen Mule, while that of the guardian *ad litem* is dated 16<sup>th</sup> July 2021. The report by the KKPI adoption society is undated but was filed herein on 22<sup>nd</sup> June 2021. All these reports are favourable and recommend the proposed adoption. The applicant has demonstrated that she 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 her 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 her 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 her. 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, ENM, is hereby allowed to adopt the child, RN, who shall hereafter be known Baby RN;
  - b. That the said child is Kenyan by birth, and was born on 13<sup>th</sup> July 2010;
  - 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 10<sup>TH</sup> DAY OF DECEMBER, 2021**

**W. MUSYOKA**

**JUDGE**