

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KAKAMEGA

ADOPTION CAUSE NO. 8 OF 2019

IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BW(MINOR)

JUDGMENT

1. The applicant, ENM, is a Kenyan citizen. She seeks to adopt BW. Her Originating Summons is dated 21st June 2021.
2. The child in question is a male child, a grandchild of the applicant, the applicant being his 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 his biological mother, the daughter-in-law of the applicant. The mother has consented to the adoption. The child was freed for adoption on 20th April 2021, by the KKPI adoption society, by their certificate number xxxx, 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*, Jennifer Mugazia. The three have compiled and filed their reports in court. The report by the Director of Children Services is dated 25th 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 16th July 2021. The report by the KKPI adoption society is undated but was filed herein on 22nd 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 himself appears to have bonded well with the applicant and he considers her to be his parent.
4. In the opinion of this court it would be in the best interests of the child that he is adopted by the applicant. The applicant will be able to provide a home and a family for him 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 he 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, ENW, is hereby allowed to adopt the child, BW, who shall hereafter be known BW;**
 - b. **That the said child is Kenyan by birth, and was born on 25th August 2004;**
 - 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 10TH DAY OF DECEMBER, 2021

W. MUSYOKA

JUDGE