



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**FAMILY DIVISION**

**ADOPTION CAUSE NO. 41 OF 2020 (OS)**

**IN THE MATTER OF THE CHILDREN ACT, 2001**

**AND**

**IN THE MATTER OF CHILD J.K.**

**IN THE MATTER OF AN APPLICATION FOR ADOPTION**

**BY**

**MWG.....PPLICANT**

**JUDGMENT**

1. The applicant is a single Kenyan woman aged 43 years. She works as a nurse with [Particulars Withheld] in Maryland USA. She is presently stationed in North Carolina. She has two biological children. She filed this originating summons on 1<sup>st</sup> July 2020 seeking to be allowed to adopt Child J.K.

2. Child J.K. was born on 15<sup>th</sup> August 2002 vide birth certificate No. [.....] to a single mother MWK who was related to the father of the applicant's children. She died on 24<sup>th</sup> April 2004 as shown by death certificate serial number [.....]. After her death, the applicant took over the charge and control of the child who was then about 2 years old. The child's grandparents gave their consent for the applicant to keep the child which she did till she migrated to the USA living him under the care of her sister. The child was declared free for adoption by Little Angles Network on 31<sup>st</sup> January 2019 vide Certificate No.[.....]. The applicant had parental responsibility over the child since he was 2 years old but without guardianship orders. She now wants to move with the child to the USA upon completion of his secondary education in Kenya.

3. The court on 9<sup>th</sup> July 2020 appointed NNK as the guardian *ad litem* and ordered her to investigate the suitability of the applicant to adopt the child and to file a report within 15 days. A similar report was sought from the Director of Children Services. Both reports were duly filed, and each recommended that the applicant 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 and the applicant had bonded well. 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 ability 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 him as if he 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. The child is 17 years old and his grandparents have consented to the adoption.

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 MWG is hereby allowed to adopt Child J.K.;

b) Child J.K. shall henceforth be known as JKW;

c) GNG is hereby appointed to be the child's legal guardian in the event of death or incapacity of the applicant before she is of full age and fully self-reliant;

d) the Registrar-General is directed to enter this adoption in the Adopted Children Register; and

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

**DATED and DELIVERED ELECTRONICALLY at NAIROBI this 15<sup>TH</sup> day of OCTOBER 2020**

**A.O. MUCHELULE**

**JUDGE**