

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KIAMBU

ADOPTION CASE NO. 8 OF 2017

IN THE MATTER OF ADOPTION OF BABY MR

BY

JKK.....APPLICANT

J U D G M E N T

1. This is a kinship adoption application brought by **JKK**, aged 50 years, in respect of the minor subject **MR** who is the Applicant's grandson. The mother of the subject **CKM** died while still a single woman in 2015 at the time the subject was aged 4 years. The deceased daughter was the only child of the Applicant who is herself single. The subject was declared free for adoption by the **Change Trust Adoption Society** on 8th September 2016 vide certificate No. 00168. The child's biological father is unknown.

2. The Applicant is employed in the National Police Service. She is in good physical health. She resides at Riverside area, Ruiru. She took over the responsibility of caring for the subject upon the demise of her daughter.

3. The guardian *ad litem* **EMG** and the Director Children Services have filed their respective reports. Both are favorable and confirm the Applicant's ability to provide care and protection for the subject.

4. The Children Officer recommends the adoption, citing the financial ability of the Applicant and the fact that the Applicant and subject have bonded within a parental relationship, the Applicant having cared for the subject since the age of 6 months.

5. The court is obligated to uphold the best interest of the child in considering an application for adoption (see Article 53(2) and Section 4(3) of the Children Act).

6. The Applicant has fulfilled the requirements for a local adoption under the Children Act, proving her capacity, prior to this application, to care for the subject child. The Applicant's extended family support the application. The Applicant's desire is to care for the subject and to safeguard his legal status as her child.

7. The court is satisfied that it is in the best interest of the child to grant the adoption request. The court therefore allows the Originating Summons filed in terms of prayers 1 – 5.

DELIVERED AND SIGNED AT KIAMBU THIS 15TH DAY OF FEBRUARY 2019

C. MEOLI

JUDGE

In the presence of:-

Mr. Odek holding brief for Mr. Kamenju for the Applicant

Court clerk - Kevin