



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KITUI
ADOPTION CAUSE NO. 5 OF 2018
IN THE MATTER OF BABY EN
ON APPLICATION FOR AN ADOPTION ORDER

AND

SWM.....APPLICANT

JUDGMENT

1. **SWM**, the Applicant approached this Court by way of Originating Summons seeking authority to adopt **Baby EN** who shall henceforth be known as **EMW** and **MK** be appointed as the Legal Guardian of the subject child.
2. The Applicant, a single woman is a Kenyan Citizen, a former Early Childhood Development (ECD) Teacher who is currently a farmer separated from her husband **K** in **1995** because of not having biological children. She is an adult below the age of **65 years**.
3. The subject child was born on **28th April, 2013** and was given up for adoption by her biological mother, **DSM** minor aged **16 years** then through her grandparents, for the reason that the child was born out of an incestuous relationship. Her parent duly signed a consent to that effect whereby the child was admitted at **Springs of Life Children Home** on **30th April, 2013**. She was subsequently committed to the home on the **3rd May, 2013** as a child in need of Care and Protection Case No. **Juv 119/2013** at **Kakamega**.
4. On the **9th** day of **September, 2014** the child was freed for adoption and **Certificate No. xxxx** was issued.
5. **AKK** the guardian ad litem filed a report affirming that the Applicant is a person of moral standing who has bonded well with the child and other family members are very supportive.
6. The Children Officer, **JM (Mrs.)** carried out a social enquiry and filed a report pursuant to the order of the Court. It is her recommendation that the Applicant has the ability to take up responsibility and the custody of the child. That she is capable of providing the child with love, warmth and a family set up in a holistic human development as proved during the fostering period.
7. The proposed Legal Guardian a cousin of the Applicant who is married with four children and with the consent of his wife consented to take up the responsibility to support the child in case of any eventuality to the Applicant.
8. From the foregoing it is apparent that the Applicant is a person of emotional stability. She is financially capable and meets the minimum adoption requirements. It will be in the best interest of the child to be adopted. In the premises, I allow the Application and make orders as follows:
9. In the premises I make orders thus:
 - (i) The Applicant be and is hereby authorized to adopt the subject child who shall henceforth be known as **EMW**.
 - (ii) **MK** is appointed as her Legal Guardian.
 - (iii) The Registrar General shall make an entry of this adoption in the Adopted Children's Register.
 - (iv) The child is presumed to be a Kenyan Citizen and shall be issued with a Kenyan Passport by the Director of Immigration Services.
 - (v) The Guardian ad litem be and is hereby discharged.

10. It is so ordered.

Dated, Signed and Delivered at Kitui this 4th day of February, 2019.

L. N. MUTENDE

JUDGE