



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
FAMILY DIVISION
ADOPTION CAUSE NO. 85 OF 2019
IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF CHILD GG

IN THE MATTER OF AN APPLICATION FOR ADOPTION BY

AKK.....1ST APPLICANT

JWW.....2ND APPLICANT

JUDGMENT

1. The applicants are a Kenyan couple aged 44 and 42, respectively. Both are [particulars withheld] managers in Abington, Maryland in the USA. They solemnized their marriage on 19th May 2011 in the USA under marriage certificate number [particulars withheld]. They have two children of their own, SW born on 24th August 2006 and EN born on 17th March 2009. On 19th June 2019 they filed this originating summons dated 17th June 2019 seeking to adopt the child GG.
2. Child GG is aged 15 years. He was born on 5th October 2003 in Kenya to the late EW, the 2nd applicant's sister, who died in 2014. She was a single mother. The child was left in the care of his uncles, but being supported by the 2nd applicant. The uncles were not responsible. The child went to stay with sister to his grandmother who has other grandchildren to take care of. The applicants decided to apply to adopt the child. The child was declared free for adoption by Change Trust Adoption Society on 21st December 2018 vide certificate serial No. [particulars withheld]. The child consented to the adoption. The applicants' children consented to the adoption.
3. On 25th July 2019 the court appointed LNN as the guardian *ad litem* and ordered her and the Director of Children Services within 45 days to prepare and file the requisite reports after carrying out a social inquiry on the applicants to determine their suitability to adopt the child. The two reports were filed both recommending the applicants be allowed to adopt the child. The reports found that the applicants were socially, emotionally and financially stable and suitable to adopt the child. It was also found that the child and the applicants had bonded well.
4. The applicants herein are Kenyan citizens by birth but reside in the USA, Abington in the State of Maryland but when in Kenya they occasionally live at Mavoko, where the applicant's aunt lives. The court notes that this is a kinship adoption where the child is the 2nd applicant's nephew and has known the child since birth.
5. The court finds that it is in the best interest of the child to be adopted by the applicants. The applicants have demonstrated their ability to provide a conducive home and family environment in which the child will grow and develop. They 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 them. They have 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 their property. The applicants shall not be able to give up the child owing to any subsequent unforeseen behaviour or other changes in the child.
6. 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 applicants AKK and JWW are hereby allowed to adopt the child herein;

- b) the child shall henceforth be known as GGW;
- c) the child is declared Kenyan having been born to a Kenyan national in Kenya;
- d) the Director Immigration Department is authorised to issue the child a Kenyan passport.
- e) NGW is hereby appointed to be the child's legal guardian in the event of death or incapacity of the applicants before he is of full age and fully self-reliant;
- f) the Registrar-General is directed to enter this adoption in the Adopted Children Register; and
- g) the guardian *ad litem* is hereby discharged.

DATED and SIGNED at NAIROBI this 3RD OCTOBER 2019.

A.O. MUCHELULE

JUDGE

DATED and DELIVERED at NAIROBI this 4TH OCTOBER 2019.

A.N. ONGERI

JUDGE