



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI LAW COURTS
FAMILY DIVISION
ADOPTION CAUSE NO. 22 OF 2017
IN THE MATTER OF THE CHILDREN ACT 2001

AND

IN THE MATTER OF ADOPTION OF CHILD V.A.K

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION BY

B A K.....1ST APPLICANT

T M K2ND APPLICANT

JUDGMENT

1. The applicants are a Kenyan couple aged 46 and 42 years, respectively. The first applicant is a journalist and lecturer at [particulars withheld] (Kenya) while the second applicant is currently a Kinesiology student at a [particulars withheld]. They are married with two children. They filed the originating summons on 3rd March 2017 seeking to be allowed to adopt a female child who was born on 5th January 2000. The applicants are motivated to adopt the child since the family will be relocating to the United States of America and they wish to relocate along with her as part of the family.

2. The child is a 17-year old female, currently in foster care of the applicants. She has lived with the applicants since she was four years old and is currently being educated and cared for by the applicants. Her biological father, an elder brother to the first applicant, died of Pulmonary Tuberculosis on 30th January 2000. Her biological mother is elderly, in poor health and economically unable to take care of her. She has duly consented to the adoption in line with **section 158(4) of the Children Act**. The child has given her consent to be adopted by the applicants stating that she stands to benefit from the adoption by legally becoming the applicant's child to secure her future. The older siblings to the child also signed their consents to this adoption. The child was declared free for adoption under **section 156(1)** of the **Children's Act** by the Little Angel's Network Adoption Society on 27th August 2014

3. The court on 11th May 2017 appointed C A O as guardian *ad litem* and ordered that she files a report after carrying out a social inquiry on the applicants. A similar report was sought from the Director of Children Services. Both reports were duly filed, and each recommended that 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 have bonded well. Both the child and the applicants have been evaluated by a registered adoption society.

4. The court finds that it is in the best interests 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 her as if she was born of 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.

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 applicants are hereby allowed to adopt Child V.A.K;
- b. Child V.A.K shall henceforth be known as V A K;
- c. the child's date of birth shall be 5th January 2000, and shall be presumed Kenyan by birth having been born to Kenyan parents in [particulars withheld] District of Nyanza Province in Kenya;
- d. P A O shall be the legal guardian of the child in the event of the death or incapacity of the applicants;
- e. the Registrar-General is directed to enter this adoption in the Adopted Children Register;
- f. the Director of Immigration Services is hereby directed to issue the child V A K with a Kenyan Passport; and
- g. the guardian *ad litem* is hereby discharged.

DATED and DELIVERED at NAIROBI this 14th day of July, 2017

A.O. MUCHELULE

JUDGE