



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI
ADOPTION CAUSE NO.73 OF 2011 (OS)
IN THE MATTER OF THE CHILDREN ACT (CAP 141)
AND
IN THE MATTER OF BABY E.W.M.
AND
IN THE MATTER OF AN APPLICATION FOR ADOPTION BY J K K

JUDGMENT

1. The applicant J K K was born in Kawangware in Kenya but is now a resident of Seattle, Washington in the United States. She is a single parent. She seeks to adopt the child herein.
2. The child was born on 25th October 1998 to the applicant's late sister E N K and A M K. The deceased E N K was a single mother who died on 30th January 2003. The child is being educated and cared for by the applicant. She was given up for adoption by her father who duly consented in line with **section 159(8) (a) and (b)** of the **Children Act**. The Applicant has a son B P K who is above 18 and who has consented to the proposed adoption. B has been well taken care of, which demonstrates the ability of the applicant to take care of the child. The child was interviewed by the Director of Children's Services who made her aware of the consequences of adoption. She agreed to be adopted by the applicant whom she says has taken good care of her since the death of her mother. She was declared free for adoption by Child Welfare Society of Kenya and a certificate dated 17th August 2011 issued under **section 158 (1)(b)** of the **Act**. The larger family of the applicant has also consented to the adoption.
3. The applicant was assessed by the Director of Children's Services, the Child Welfare Society of Kenya and the guardian *ad litem* S M T all of whom found her to have the necessary financial, social and parental capabilities to take care of the child. The child has bonded well with her and her son. The reports recommended the proposed adoption.
4. It is considered that the child's best interests will be served by the proposed adoption. The adoption will enable her to grow in a family environment. The applicant has been made aware, and she agrees, that by adoption, she will assume all parental responsibilities over the child. She will treat the child as her own. She is aware that once the adoption order is given it shall be final and binding during the lifetime of the child, and that the child shall have the right to inherit her property. The applicant cannot give up her responsibility owing to any subsequent unforeseen behaviour and other challenges in the child. The applicant's biological son understands that he will be an equal heir with the child.

5. I allow the applicant's originating summons dated 16th May 2011 and filed on 19th May 2011, and direct as follows:-

a. that J K K is hereby allowed to adopt the child E W M;

b. that the child's date of birth shall be 25th October 1998;

c. that the child is a Kenyan citizen by birth;

d. that S M T shall be the legal guardian of the child in the event of the death or incapacity of the applicant; and

e. that the Registrar General shall cause entry of this adoption in the Adoptions Register.

DATED and DELIVERED at NAIROBI this 6th October 2014

A.O. MUCHELULE

JUDGE