



REPUBLIC OF KENYA



**In re PH alias EGA (Minor) (Adoption Cause 2 of 2023)  
[2024] KEHC 7822 (KLR) (27 June 2024) (Judgment)**

Neutral citation: [2024] KEHC 7822 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT VIHIGA  
ADOPTION CAUSE 2 OF 2023  
JN KAMAU, J  
JUNE 27, 2024  
IN THE MATTER OF AN APPLICATION FOR ADOPTION BY VAM & EM  
AND  
IN THE MATTER OF THE ADOPTION OF PH ALIAS EGA (MINOR)**

**JUDGMENT**

**Introduction**

1. In their Originating Summons dated 9<sup>th</sup> May 2023 and filed on 10<sup>th</sup> May 2023, the Applicants herein sought that they be allowed to adopt Prestone Hope alias EGA (hereinafter referred to as PH) who was born on 20<sup>th</sup> November 2019 and that after the adoption order was granted, he be called EGA . They further sought that the Registrar General be directed to enter the Adoption Order in the Adopted Children’s Register.
2. Their said Originating Summons was supported by their Affidavit andan Affidavit by their Advocate, one Peter Daniel Onyango that weresworn on 8<sup>th</sup> May 2023.
3. The Applicants attached copies of their respective Police Clearance Certificates, their Marriage Certificate, Form for Enquiry for Prospective Adopter(s), Certificates of Birth for PH, Certificates of Declaration a Child Free for Adoption No 002177, Reports to Declare a Child Free for Adoption pursuant to Section 156(1) of the *Children Act* for PH and Guardian’s Letter of Consent dated 25<sup>th</sup> October 2021.
4. On 5<sup>th</sup> October 2023, they filed Affidavits by JAAM and EMA that were both sworn on 3<sup>rd</sup> October 2023 verifying the moral fitness of the proposed Legal Guardian and Guardian ad Litem.
5. On 10<sup>th</sup> May 2023, they filed a Chamber Summons application dated 8<sup>th</sup> May 2023 seeking the court to appoint PIM and HAA as Legal Guardians Guardians ad Litem respectively of the minor PH. In addition, they also sought that the court do order that the County Co-ordinator for Children Services, Vihiga County to carry out appropriate enquiries and file a Report on the welfare of the minor, PH, who is the subject of this application.



6. The court allowed the said Chamber Summons application, on 20<sup>th</sup> November 2023 and appointed PIM and HAA as the Legal Guardian and Guardian ad litem of the minor, PH respectively and directed the County Co-ordinator for Children Services, Vihiga County to carry out appropriate inquiries and file a report on the welfare of the minor, PH. It also directed the Guardian ad litem to file a Guardian ad litem Report by 14<sup>th</sup> December 2023.
7. The Guardian Ad Litem Report was dated 20<sup>th</sup> November 2023 and filed on 18<sup>th</sup> December 2023. On 4<sup>th</sup> March 2024, Aggrey Ambwaya, County Children's Services Officer of the County Children Office also filed a Report dated 26<sup>th</sup> February 2024. Both the Guardian ad litem and County Children's Office Reports were positive and recommended the adoption of PH by the Applicants herein.
8. Accordingly, having considered the Applicants' said Originating Summons, the Supporting Affidavits and all the enclosures therein and having heard them, their counsel, the Guardian ad litem, Legal Guardian and the minor PH and having considered the Reports by the Guardian ad litem and County Children's Office, this court satisfied that it would be in the best interest of the minor, PH that this court allows this adoption as it was in the best interests of the minor as was envisaged in section 8 of the [Children Act](#) No. 29 of 2022.

### **Disposition**

9. For the foregoing reasons, the upshot of this court's decision was that the Applicants' Originating Summons that was dated 9<sup>th</sup> May 2023 and filed on 10<sup>th</sup> May 2023 was merited and the same be and is hereby allowed in terms of Prayer Nos (1) and (2) therein. There will be no order as to costs.
10. The Guardian ad Litem be and is hereby discharged from further obligations unless otherwise required by the court as provided in Section 188 (4) of the [Children Act](#) No. 29 of 2022.
11. It is so ordered.

**DATED AND DELIVERED AT VIHIGA THIS 27<sup>TH</sup> DAY OF JUNE 2024**

**J. KAMAU**  
**JUDGE**

