



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

FAMILY DIVISION

ADOPTION CAUSE NO. 8 OF 2020

IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY IA

MMK.....1ST APPLICANT

GWN.....2ND APPLICANT

RULING

1. This a ruling on **originating summons** dated **3rd March 2020** filed by the applicants seeking the adoption of **Baby IA** a minor. Record show that the applicants are Kenya citizens residing and working for gain in Nakuru County, having been married for 11years.
2. The child **Baby IA** was born on 13th February 2016. From the Director of Children Services Nakuru County, report the child was rescued by a Good Samaritan on 21st February 2017 after being abandoned when she was only a week old. The child was taken to Kitengela Police Station. She was referred to Nairobi Women's Hospital Kitengela for medical attention after the discharge, the child was handed over to the Nest Home for safe custody and later committed to the same children's home by the Court on 19th April 2017 under the Nairobi Committal Case No. xxx of 2017.
3. The child was declared free for adoption by Little Angels Networks vide **Certificate No. [Particulars Wittheld]** on 2nd February 2018. From their report, Since the placement of the child at the children's home, no parent or relative has shown up to claim the child.
4. The applicants received the child from Nest Children's Home in February 2018 and has lived with the child to date. **BNN** a sister to the 2nd Applicant was appointed as a legal guardian to the minor. They wish to name the child baby **ANM**.
5. The adoption of the child is supported by the guardian *ad litem* and the director of Children's Service Nakuru County. Both states that the minor has bonded well with the applicants and the applicants provide well for the minor. **Section 156(1) of the Children's Act** provide as follows:-

“No arrangements shall be commenced for the adoption of a child unless the child is at least 6 weeks old and has been declared free for adoption by the National Adoption Society or any other registered adoption society in accordance with these rules prescribed on that behalf.”
6. The child herein was 4 years 4 months at the time the application was filed and is therefore of legal age for adoption. **Section 157 (1)** provides that a child who is available for adoption should be placed in the care of the adopting parents for a continuous period of 3 months preceding the filing of application and both the child and the applicant or applicants as the case may be evaluated and assessed by the national adoption society or any other registered adoption society in Kenya. In compliance with the above section, the child has been in the care of the applicants since she was one year old for a period of 3 years now.
7. The child being above 4 years, and having been placed under the care of the applicants for a period of 3 consecutive months as per the legal requirement is available for adoption.
8. Further, Section 158 provides that applicants for adoption should be between the age of 25 years to 65 years. The applicants herein are adults aged 42 and 39 respectively. Reports filed indicate that they are law abiding citizens, financially and mentally stable, and in a position to take care of the minor.
9. During the hearing, the applicants stated that they wished to adopt the minor since they were incapable of having children on medical

grounds. They both confirmed they were aware of the responsibilities bestowed upon them after they adopt the minor. They would continue to take care of the child as they have previously done, after staying with the child for 3 years.

10. On cross examination of the minor, I found that the child is happy and comfortable with the applicants.

11. A report has been tabled before this Court by the director of children and it confirms that the applicants have the capability to provide a conducive home and family environment in which the child will grow and develop. The applicants are ready and willing to assume all parental rights and obligations of the biological parents of the child once adopted and shall treat her as if she was born to them.

12. The applicants are ready to admit the child to school and will continue to cater for her school fees and school-related expenses in the future.

13. From the foregoing, it is in the best interest of the child to be adopted by the applicants.

14. FINAL ORDERS

1) The applicants are hereby authorized to adopt baby IA.

2) The Registrar General to enter in the adopted children register an entry recording this adoption.

3) The child adopts the name baby ANM.

RULING dated, signed and delivered via zoom at **Nakuru** This **30th** day of **September**, 2021

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RACHEL NGETICH

JUDGE

In the presence of:

Miruka - Court Assistant

Ms. Mbeche for Applicants