



REPUBLIC OF KENYA

IN THE HIGH COURT AT NAKURU

ADOPTION CAUSE NO. 02 OF 2019

IN THE MATTER OF AN APPLICATION FOR ADOPTION OF MINOR AT ALSO KNOWN AS BMA

FAM

AND RKO.....APPLICANTS

RULING

FAM and RKO are a legally married couple with no own biological children. They got married under custom in 2005 and later solemnised their marriage union in 2015 at the Registrar of Marriages, Nairobi.

They both are well schooled and are graduated in their course choices, the prospective father being a police officer and holder of a Bachelor of Arts in Public Administration and Political Science, while the prospective adoptive mother holds a Bachelor of Commerce Degree in Procurement.

They earn their living from working and have their own land being Ngong/Ngong/[...].

They have their home at Rongai Sub County, Ngata Location within Nakuru where the County Children's Coordinator paid a home visit to access their suitability to adopt.

It is their wish to be authorised to adopt a male child in the name of Baby AT also known as BMA – born on the 20th July 2015, now 4 years one month.

By an Amended Originating Summons dated 23rd October 2019 and filed on even date, the applicants seek to be authorised to adopt the minor child, and that the biological parents or the minor be dispensed with as the child was abandoned soon after birth, and rescued to a Childrens' Home, New Life Trust Home at Nyeri. The child was declared free for adoption through KKPL Adoption Society and a certificate of declaring the child free for adoption issued on the 8th July 2016.

The necessary documents that facilitated the child be declared free for adoption are filed herewith. I have seen the final police clearance certificate dated the 22nd June 2015.

The above orders preliminary were granted by the court on the 3rd April 2019. The Director of Childrens Services filed their report upon a home visit to the applicants on the 25th June 2019.

The report is very positive on the suitability of the prospective adoptive parents to adopt the minor child.

They are financially capable of taking care of the minors needs.

It is shown that the proposed parents understand their added responsibilities that came along with adoption, including the right to inheritance. It is stated that the child has fully bonded with the applicants and the larger family is in support of the adoption.

It is the wish of the proposed adoptive parents that SNM be appointed the legal guardian of the minor. An examination of the proposed legal guardian disclosed that he knows the duties expected of him.

I have considered all the documents filed in support of this adoption application.

Section 158(1) of the Childrens' Act authorises adoption to joint applicants who are spouses, as is the case hereof.

This court upon considering all the facts of the adoption application is satisfied that the applicants are committed to giving the minor child a home. The best interest of the child will thus be served by allowing the application herein, and declaring him a Kenyan citizen. Accordingly, the applicants are hereby authorised to adopt the minor child, to be known as BMA.

SNM is appointed the legal guardian of the minor.

Further, the Registrar-General is ordered and directed to make the appropriate entries in the Adopted Childrens' register to facilitate the Registrar of Births and Deaths to issue a Birth certificate in respect to the minor, BMA.

Orders accordingly.

Delivered, signed and dated at Nakuru this 20th Day of February 2020.

J.N. MULWA

JUDGE