



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**FAMILY AND PROBATE DIVISION**  
**ADOPTION CAUSE NO. 153 OF 2019**  
**IN THE MATTER OF THE CHILDREN ACT**

**(ACT NO. 8 OF 2001)**

**AND**

**IN THE MATTER OF BABY CTN (MINOR)**

**AND**

**IN THE MATTER OF AN APPLICATION FOR ADOPTION**

**JMD..... (APPLICANT)**

**RULING**

1. The Applicant herein **JMD** is a Kenyan by birth and currently resides in Norway with her Norwegian spouse.
2. With the support of her parents **MNN** and **MNW** she proposes to adopt her sister’s child baby **CTN**.
3. The minor is said to suffer from diabetes, has been in the physical care of her maternal grandmother who is ailing and aged. It is also said that the Applicant has since the birth of the minor herein provided financial assistance to the child and visits Kenya from time to time.
4. The Applicant claims further that the child is likely to receive more advanced medical care in Norway than Kenya although she is not categorical on her intentions to settle with the child in Norway.
5. The court is equally informed that the Applicant’s spouse has consented to the adoption, though no formal consent has been filed in court. Secondly no reason has been adduced why the Applicant’s spouse who lives with the Applicant is not a proposed Co-Applicant taking into account the child’s medical condition and the fact that the child is proposed to assume the Applicant’s spouse’s name.
6. There is no consent filed directly to the court by the minor’s biological mother, not much is said of her either. Her consent and involvement are crucial.
7. Consequently, for now the court is inclined not to issue final orders and direct as follows:
  - a. That the Applicant and her spouse do appear before court (virtually) on a date to be fixed.
  - b. A consent of the biological mother be filed and she be present in court as well.

**SIGNED DATED and DELIVERED** in open court this **17<sup>th</sup>** day of **SEPTEMBER, 2020**.

.....

**ALI-ARONI**

JUDGE