



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MACHAKOS
ADOPTION CAUSE NO. 18 OF 2017
IN THE MATTER OF BABY SRC
ON APPLICATION FOR AN ADOPTION ORDER

RULING

1. This application is brought by way of Originating Summons dated 18th September, 2017. The Applicant RNK through her advocates Janet, Jackson & Susan LLP Advocates seek the following orders:

1. **THAT** the requirements of Section 158(4) (a) of the Children's Act be waived as provided for by Section 159(I) of the Act.
2. **THAT** JM in the said Republic be appointed Guardian ad Litem in this case.
3. **THAT** the Applicant be authorized to adopt baby SRC and the baby be known as SMN.
4. **THAT** WMK be appointed Legal Guardian of the child.
5. **THAT** the Director of Children's Department do investigate the case and file a report.
6. **THAT** it is directed that the Registrar-General shall make in the adopted Children's Register an entry recording the adoption in accordance with the particulars set out in the Schedule attached hereto.

2. In the preliminary stage, prayer 2 and 5 were granted by the court.

3. The Applicant **RNK** is a resident of Eastleigh Area in Machakos County. She has never been married but has dated several men. She worked as a house girl for 8 years and later established her restaurant, M-pesa shop and a Hotel. She has no children of her own

4. **WMK** swore an affidavit dated 18th September 2017 to confirm consent to act as Legal Guardian and that she has no objection to the Applicant adopting Baby SRC.

5. Baby **SRC** was abandoned by the mother, the Late JC who had offered to give him for adoption but never showed up to sign the consent. The minor has been under the care and control of the African Gospel Church Baby Centre, Nakuru after committal issued by the Bomet Law Courts via P& C No. 69 of 2011 on 16.12.2011.

6. On 14th November 2015, Baby SRC was declared free for adoption and was placed in the care of the applicant from 22.9.16.

7. On 28th February, 2018 this Court directed the Director of Children Services Machakos to conduct investigations as to the suitability of the Applicant to adopt **Baby SRC** and submit a report and findings to Court.

8. Emily Kimanzi is the Sub-County Children's Officer. She conducted a Social Inquiry on the Applicant by visiting and interrogating her at her home on 9th April, 2018. It was observed that the Applicant has taken care of baby **SRC** and bonded well with the said minor who seemed to have bonded well and happy, thus has demonstrated ability to maintain baby **SRC**. On 11th April, 2018, Emily Kimanzi, the Sub-County Children's Officer, Machakos County filed a favourable report dated 10/04/2018 as to the suitability of the Applicant to adopt baby **SRC**, though the said report referred to him as C and which must have been definitely a clerical error.

9. On 31st July, 2018, Grace Ekambi, a project officer with Little Angels Network appeared in court to recommend the applicant's application and to have the report dated 29.7.16 confirming the suitability of the applicant to be adopted in the proceedings. Emily Kimanzi also appeared on the said date and confirmed that she conducted the home visit and tendered her report dated 10.4.18 to recommend the

suitability of the applicant to adopt Baby SRC. **JNM** and **WMK** appeared before me on 6.11.18 to confirm and rely on the contents of their affidavits and their willingness to take up their duties as well as recommend the applicant to adopt baby **SRC**.

10. Upon reading the above report and satisfying myself that all the legal requirements have been adhered to, this court is satisfied that the Applicant is a suitable person to adopt Baby **SRC** and that she is financially stable and has the means to provide and care for him. The baby has bonded well with the applicant as confirmed by the several reports. Nevertheless, Emily Kimanzi requires to confirm vide affidavit or otherwise that the person C referred to in her report and S is one and the same person.

For the above reasons, the Court orders as follows;

1. **THAT** the Applicant **RNK** be and is hereby authorized to adopt **Baby SRC** to be known as **SMN**.
2. **THAT** **WMK** be and is hereby appointed Legal Guardian of the minor.
3. **THAT** the Registrar-General do make in the Adopted Children Register an entry recording the adoption in accordance with the particulars set out in the Schedule to this order.

Dated and delivered at Machakos this 24th day of January, 2019.

D.K. KEMEI

JUDGE