



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

ADOPTION CAUSE NO 11 OF 2018

IN THE MATTER OF BABY RGN.....INFANT

AND

GWWN

JNWN.....APPLICANTS

JUDGMENT

The application is brought by way of Originating Summons and is dated the 12th July, 2018. The Applicants G W W N and J N W W through their advocates, Karen Wanderi & Company Advocates seek the following orders.

1. Spent

2. Spent

3. Spent

4. THAT M N W of Post Office Box Number [particulars withheld] – 20100, NAKURU in the Republic of Kenya be appointed Legal Guardian of the minor.

5. THAT The Applicants be authorized to adopt BABY R G N to be known as R G N.

6. THAT it is directed that the Registrar General shall make in the Adopted Children Register an entry recording the adoption in accordance with the particulars set out in the Schedule to this Order.

7. THAT the Registrar of Births and Deaths be and is hereby directed to issue the child with certificate birth in the name R GD N.

The applicants and husband and wife. They formalized their marriage on the 26/11/2011 at [particulars withheld] Church in Nakuru District under the **African Christian Marriage and Divorce Act (Cap 151) Laws of Kenya** and were issued with a certificate of marriage serial number 507518. The applicants reside in [pa estate in Nakuru County]. They depend on farming to earn a living.

They have four (4) biological children of their own namely C N W, L N N, Je R N W and M N W. Their children have consented to the intended adoption. One of the sons M N W desires to be the legal guardian of baby **RGN** herein as shown in his affidavit of consent sworn on 12th July, 2018.

RGN is the grandson to the applicants. He was born to their 3rd born daughter J R N W on 29th December, 2008 at Kaloleni. **RGN**'s birth certificate entry number Lxxxxxxx is annexed. His mother left him with his grandparents three months after birth and went to live in Kitale. Josephine maintained minimal contact with people at home since then and the bond between herself, family and her son strained as a result. Her parents took responsibility of looking after her son's welfare and later felt that since his mother did not show any slight commitment, it is their responsibility thus the desire to adopt.

On 30th January, 2018 the applicants approached the Kenya Children's Homes Adoption Society Nakuru office with an intention of legally adopting their grandson baby **RGN**. Baby **RGN**'s mother, J R N W offered the minor for adoption to her parents as revealed in her letter

dated 30th January, 2018 and affidavit of consent sworn on 6th April, 2018. They were all taken through the adoption process and its implications to establish their readiness. Josephine was taken through a memorandum headed “Adoption for Children Explanatory Memorandum for Biological Parents/Guardians Offering Children for Adoption” which she understood and signed. The applicants signed the certificate of acknowledgement as a confirmation that they understood the “Explanatory Memorandum for Adopters” on 1st March, 2018. The Society conducted an interview session and a home study at the applicants [particulars withheld] residence in Nakuru on 8th March, 2018 to establish their suitability to adopt or otherwise. They were found to be appropriate adoptive parents.

Baby **RGN** was freed for adoption by the Kenya Children’s Homes Adoption Society’s Case Committee on its sitting on 18th April, 2018 and a freeing certificate serial number 1457 issued pursuant to **Section 177(7) (b)** and **156 (1)** of the **Children’s Act 2001**. Baby **RGN** medical records available confirms that he is in good health and his HIV status is negative.

On 18th October, 2018, S W M of Post Office Box Number [particulars withheld], NAKURU in the Republic of Kenya was appointed Guardian *ad Litem* of baby **RGN**. The County Director Children’s Department in the Ministry of Labour and Social Protection was ordered to conduct investigations as to the applicants’ fitness to adopt and the minor was declared a Kenyan citizen.

Maureen Omondi, a personnel from the Children’s Department Nakuru conducted an initial interview on the applicants on 20th November, 2018. On 26th November, 2018 she visited the applicants at their residence and interrogated them on their fitness to adopt baby **RGN**. Mr. Mwambi Mong’are, the County Children’s Coordinator Nakuru filed a favourable report in Court dated 3rd December, 2018 on the applicants’ suitability to adopt baby **RGN**.

This Court has had occasion to consider the application and the relevant reports filed. The Court notes that this is a kinship adoption. The court is satisfied that the applicants are suitable persons to adopt baby **RGN** and that they are also financially stable and have the means to provide and care for him.

For the above reasons, the Court hereby orders as follows:

- 1. THAT M N W of Post Office Box Number 2384 – 20100, NAKURU in the Republic of Kenya be and is hereby appointed Legal Guardian of the minor.**
- 2. THAT the applicants be and are hereby authorized to adopt BABY R G N to be known as R G N.**
- 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.**
- 4. THAT the Registrar of Births and Deaths be and is hereby directed to issue the child with certificate birth in the name R G N.**

Dated and Signed at Nakuru this 26th day of February, 2019.

A. K. NDUNG’U

JUDGE