



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

ADOPTION CAUSE NUMBER 35 OF 2017

IN THE MATTER OF BABY BA aka AW.....INFANT

AND

PWK.....APPLICANT

JUDGMENT

The Application is brought by way of Originating Summons dated 21st August, 2017. The Applicant **PWK** through her advocates, Karen Wanderi & Company Advocates seek the following orders:

1. Spent

2. Spent

3. Spent

4. Spent

5. THAT PWK of Post Office Box number 28 – 20300, NYAHURURU in the Republic of Kenya be appointed Legal Guardian of the minor.

6. THAT the applicant be authorized to adopt BABY BA to be known as AW.

7. 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.

8. THAT the Registrar of Births and Deaths be directed to issue the child with a certificate of birth in the name of AW.

The applicant is single, she is an agrovet sales lady. The applicant has never been in a marital relationship although she was once in a relationship which ended prematurely due to the fiancée's cheating and this made the applicant to decide to live single. She has no biological child of her own. She explored In Vitro Fertilization (IVF) twice but the same did not succeed. She has no desire to go for a third one hence the need to adopt. She also desires to derive joy and satisfaction in bringing up a child instilling responsibility in her and to give love and a stable home to a child.

Baby BA aka AW was born on 12th June, 2016 at Kakamega County Hospital and was issued with a birth certificate entry number [particulars withheld]. The biological mother MAI offered the child for adoption because she conceived with her cousin (CA). The child is considered a taboo in accordance with Luhya customs hence the parents could not keep him. M and C made an application dated 11th March 2016 to the Kenya Children's Homes Adoption Society requesting to offer the **Baby BA aka AW** for adoption. The two were taken through the parents offering child for adoption process and affirmed that it was the child's best interest to offer her for adoption by signing the Certificate of Acknowledgment on 11th March, 2016. They also swore and signed the final consent for parent offering child for adoption on 3rd August, 2016.

Baby BA aka AW was handed over to the custody of Springs of Life Children's Home as a child in need of care and protection on 13th June, 2016. **Baby BA aka AW** was officially committed at the same institution on 17th August, 2016 vide Kakamega Children's Court Protection and Care Case Number [particulars withheld]/2016. The medical information available indicates that the child's growth and development is normal. Her HIV test is negative. The home has ensured that the child has received all immunizations as per the Kenya Expanded Programme on Immunizations guidelines. The Kenya Children's Home Adoption Society's Adoption Society Case Committee in its sitting on 18th January 2015 issued A Certificate of Declaring a Child Free for Adoption Serial No.[particulars withheld] dated the same day. The applicant was placed with **Baby BA aka AW** on 21st March 2017 and they have bonded well.

On the 17th day of July, 2018, the Director, Children's Services, in the Ministry of Labour and Social Protection was directed by the court to investigate the applicant's fitness to adopt **Baby BA aka AW** and file a report. One PWK of Post Office Box Number 28-20300, NYAHURURU in the Republic of Kenya was appointed as *guardian ad litem* of the **Baby BA aka AW**. The consent of the biological parents was also dispensed with and **Baby BA aka AW** was presumed a Kenyan citizen.

Gladys Langat, the Nyahururu Sub-County Children's Officer, after investigating and making a home visit filed a favourable report on the Applicant's fitness to adopt **Baby BA aka AW** dated 15th October, 2018. The Kenya Children's Homes also after taking the applicant through explanatory memorandum for adopters, conducting investigations by visiting and interrogating the applicant filed a favourable report dated 28th July, 2017 in court on the applicant's suitability to adopt the **Baby BA aka AW**.

Upon reading the above reports and satisfying myself that all the legal requirements have been adhered, this court is satisfied that the applicant is suitable to adopt **Baby BA aka AW**. It is therefore ordered that:

1. **THAT PWK of Post Office Box number 28 – 20300, NYAHURURU in the Republic of Kenya be and is hereby appointed Legal Guardian of the minor.**
2. **THAT the applicant be and is hereby authorized to adopt BABY BA to be known as AW.**
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 a certificate of birth in the name of AW.**
5. **THAT costs be in the cause.**

Dated and Delivered at Nakuru this 20th day of February, 2019.

A. K. NDUNG'U

JUDGE