



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAKURU**

**ADOPTION CAUSE NO 6 OF 2018**

**IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY ANW alias A M**

**AND**

**HWM.....APPLICANT**

**JUDGMENT**

The application is brought by way of Originating Summons and is dated the 13<sup>th</sup> April, 2018. The applicant, **H W M (HWM)** through her advocate, Komu & Kamenju Advocates seeks the following orders;

1. Spent
2. Spent
3. **THAT the Director of Immigration be authorized to issue the child with a Kenyan passport.**
4. **THAT the applicant be authorized to adopt BABY A N W alias A M to be known as P W W.**
5. **THAT I W M be appointed as the legal guardian of the child in the event of the death or incapacity of the applicant before she is of full age and fully self-reliant.**
6. **THAT the Registrar-General be directed to enter in the Adopted Children Register an entry recording the adoption.**
7. **THAT the court be pleased to make any further orders it deems necessary.**

**HWM** is a single Kenyan lady. She is a business lady in Nakuru town. She resides at [particulars withheld]– Nakuru East Sub County. **HWM** had been married to one J K in 2006 but they separated as **HWM** could not sire him a child after undergoing an operation to remove fibroids from her uterus. She desires to adopt baby **ANW a.k.a. AM**, a female child, in order that she can call her own and who can be heir to her properties.

Baby **ANW a.k.a. AM** was born on 15<sup>th</sup> July, 2014 in Karatina District Hospital. Later on 28<sup>th</sup> October, 2014, her mother one D W M willingly offered her to Little Angels Network for adoption. Baby **ANW a.k.a. AM's** father had denied paternity after being informed about the pregnancy by the mother. He thereafter left and has not been seen since 2013. Doris Wanjiku Mureithi signed a formal consent and a certificate of acknowledgement both dated 28/8/2014 to confirm that she was aware of the legal and social consequences of the adoption process. She also swore an affidavit in support of her application on 13<sup>th</sup> April, 2018.

The Westlands Children's Office, Nairobi sought admission at New Life Home Trust, Nairobi. Baby **ANW a.k.a. AM** was officially committed in the institution through the Nairobi Children's Court vide Protection and Care Case Number 512 of 2014 on 6<sup>th</sup> October, 2014. Little Angels Network later on 20<sup>th</sup> November, 2014 declared the child free for adoption upon ensuring that the preliminary process had met the necessary legal requirements and a Certificate of Declaring a Child free for Adoption serial number 001571 was issued.

The medical reports available shows that Baby **ANW a.k.a. AM** health status is good. Her HIV status is negative.

On 11<sup>th</sup> December, 2018, one JWK was appointed as *Guardian Ad Litem* of baby **ANW a.k.a. AM**. The Court ordered the Director of Children's Services in the Ministry of Labour and Social Protection to investigate the applicant's fitness to adopt baby **ANW a.k.a. AM**.

Salome Waithaka, a personnel from the Children's Department Nakuru conducted an initial interview on the applicant on 15<sup>th</sup> January, 2019 and later on 16<sup>th</sup> January, 2019 visited the applicant at her residence at Bismark and interrogated her on her fitness to adopt baby **ANW a.k.a. AM**. Mr. Mwambi Mongare, the County Children's Coordinator Nakuru filed a report in court dated 2<sup>nd</sup> April, 2019 on the applicant's suitability to adopt baby **ANW a.k.a. AM**.

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 suitable to adopt and that she is also financially stable and have the means to provide and care for baby **ANW a.k.a. AM**.

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

- 1. THAT the child is hereby presumed a Kenyan citizen by birth her birth date being 15/7/2014 at Karatina.**
- 2. THAT the applicant be and is hereby authorized to adopt BABY A N W alias A M to be known as P W W.**
- 3. THAT I W M be and is hereby appointed as the legal guardian of the child in the event of the death or incapacity of the applicant before she is of full age and fully self-reliant.**
- 4. THAT the Registrar-General be and is hereby directed to enter in the Adopted Children Register an entry recording the adoption.**
- 5. THAT costs be in the cause.**

**Dated and Signed at Nakuru this 30<sup>th</sup> day of April, 2019.**

**A. K. NDUNG'U**

**JUDGE**