



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

ADOPTION CAUSE 26 OF 2016

IN THE MATTER OF THE CHILDREN'S ACT NO. 8 OF 2001

IN THE MATTER OF J N.....MINOR

AND

P W K.....1ST APPLICANT

A N W.....2ND APPLICANT

RULING

1. The Notice of Motion before Court is dated 5/4/2018. The same seeks review of the order of court issued on 13/10/2017. It is sought that this being a kinship adoption the requirement for a freeing certificate be waived.
2. The Application is premised on grounds that;
 - (i) THAT the minor is in dire need of medication and is to receive further treatment in United States of America in August, 2018 and is to travel there as soon as possible for further assessments by the hospital.
 - (ii) THAT the prayer declaring the minor Free for Adoption was omitted.
 - (iii) THAT this is a kinship adoption thus a freeing certificate is not necessary in the circumstances considering the consent given by minor's biological father.
 - (iv) THAT there is a mistake and error apparent on the face of the record.
 - (v) THAT the Immigration Department will not clear the said minor unless the certificate is produce or a waiver clearly made by this Court.
 - (vi) THAT it is in the interest of the minor that this Honourable Court grants the orders sought.
3. It is further supported by the affidavit of A N W sworn on 5/4/2018.
4. From the report of the Sub-County Children's Officer Gilgil signed for the County Coordinator of Children Services, Nakuru County, it is indicated that this is a kinship adoption. The parent's consent has been given. The child is free for adoption.
5. The Court in its ruling dated 18/7/2017 did observe the Coordinators sentiments and the recommendation that this being a kinship adoption the minor be freed for adoption.
6. The consent of the father of the child is contained in his sworn affidavit dated 7/4/2015 and filed in Court on 2/12/2016.
7. On the strength of this affidavit by T M W, the father of the minor, I am satisfied that the waiver of the requirement for a certificate freeing the minor for adoption is appropriate and in the best interest of the minor.
8. With the result that the application dated 5/4/2018 is allowed in terms that the requirement for a freeing certificate be and is hereby waived.

9. Costs in the cause.

Dated and Signed at Nakuru this 18th day of April, 2018.

A. K. NDUNG'U

JUDGE