



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

ADOPTION CAUSE NUMBER 24 OF 2016

IN THE MATTER OF BABY A J A.K.A. A W.....INFANT

AND

F W.....APPLICANT

JUDGMENT

The Application is brought by way of Originating Summons and is dated 9th November, 2016. The Applicant **F W** through her advocates, Karen Wanderi & Company Advocates seek the following orders:

1. Spent
2. Spent
3. Spent
4. Spent

5. THAT R W of Post Office box Number [particulars withheld], MOLO in the Republic of Kenya be appointed Legal Guardian of the minor.

6. THAT the Applicant be authorized to adopt BABY A J to be known as A W.

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 and is hereby directed to issue the child with a certificate of birth in the name of A W.

F W, the Applicant herein is single. She resides in Mawanga Estate within Nakuru Town. She is an employee of the Teachers Service Commission working as a teacher in [particulars withheld] Primary School. The Applicant was once married to one K B M and their marriage was solemnized on 7th December, 2002 at St. Peter's Parish Nairobi. The couple could not get children since the Applicant had health problems and the doctor informed them that they could not get children. This culminated into a divorce vide Divorce Cause Number 122/2009 in the High Court of Kenya at Nairobi where a Decree Nisi was issued on 20th May, 2010 and later a Certificate of Making Decree Nisi Absolute (Divorce) was issued on 24th day of October, 2012 thus dissolving the marriage. **FW** desires to adopt baby **AJ a.k.a. AW** as she wants to have a child to call her own and also give her parental love. Above all she sees this as a way of giving back to the society.

Baby **AJ a.k.a. AW** was born on 26th July, 2004 at the Rift Valley Provincial General Hospital vide birth certificate No. [particulars withheld]. She was premature with low birth weight (1.9kg) and was taken to the hospital's nursery. Her mother T W abandoned her while she was in the hospital's nursery. The matter was reported to Nakuru Police Station and was recorded vide Occurrence Book Number 19/30/7/2014. After the discharge from the hospital the Nakuru Children Officer sought placement of the Child at Africa Gospel Church Baby Centre – Nakuru for care and protection. On 20th August 2014, baby **AJ a.k.a. AW** was admitted at the home. The records availed in Court indicate that the child is in good health and that the home has ensured that the child's immunization schedule was followed as per the Kenya Expanded Programme Guidelines on immunizations. She was also tested on HIV and found to be negative. On 14th January, 2015 the baby **AJ a.k.a. AW** was committed to the same institution for care and protection at the Molo Children's Court on 14th January, 2015 vide Protection and Care Case Number 20 of 2015 for a period of three years.

Vide a letter dated 28th January, 2015 the Nakuru Police Station asserted that no one had come forward to claim for the minor and attempts to trace his kindred had been futile.

The minor was freed for adoption by the Kenya Children's Homes Adoption Society's Case Committee in its sitting on 11th February, 2015 and a Certificate Of Declaring A Child Free For Adoption serial number 1211 dated the same day was issued.

The Applicant had approached the Kenya Children's Home Adoption Society on 18th December, 2013 with an intention of being ratified for placement with a female child with a view of eventually adopting. She was taken through the adoption process and its implications by the Society of which she consented. Her suitability to adopt or otherwise was assessed through a home visit and a subsequent interview at her residence in Mawanga – Nakuru on 19th December, 2014. She was found to be suitable by the Society's Case Committee sitting on 21st January, 2015. She was placed with the minor herein Baby **AJ a.k.a. AW** from Africa Gospel Church Baby Centre – Ngata on 6th March, 2015 after successful bonding at the said home.

On the 19th July, 2017 Court directed that the Director, Department of Children's Services in the Ministry of East African Community, Labour and Social Protection, State Department of Social Protection to conduct investigations as to the suitability of the Applicant to adopt baby **AJ a.k.a. AW**. On the same date, **R W** of Post Office Box Number 322, Molo in the Republic of Kenya was appointed as *Guardian ad Litem* of the minor. The consent of the biological parents was dispensed and the minor was presumed a Kenyan citizen.

On 22nd August, 2017, one Maureen Omondi, a personnel in the Nakuru County Children's Office visited the Applicant at her home in Mawanga where she conducted an interview on the Applicant's fitness to adopt. Mr. Mwambi Mongare, the County Children's Coordinator Nakuru filed a report favouring the Applicant.

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 **AJ a.k.a. AW** and that she is also financially stable and has the means to provide and care for her. I consequently allow the application and proceed to make the following orders;

1. THAT R W of Post Office Box Number [particulars withheld], MOLO 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 A J to be known as A W.

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 A W.

Dated and Signed at Nakuru this 24th day of May, 2018.
A. K. NDUNG'U

JUDGE