



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT MAKUENI**

**HC ADOP. NO. 1 OF 2017**

**BABY J A .....A CHILD**

**BY**

**R M M ..... 1<sup>ST</sup> APPLICANT**

**M M ..... 2<sup>ND</sup> APPLICANT**

**RULING**

1. By Originating Summons dated 24/09/2015, the Applicants R M M and M M sought the orders:-

a) **THAT** the Applicant be authorized to adopt the child J A.

b) **THAT** upon the making of the adoption order the said child be known as E M M.

c) **THAT** the Registrar General do make the appropriate entry of E M M in the Adopted Children's Register.

d) **THAT** the child E M M be presumed to be a Kenyan citizen born in Kenya and that the Director of Immigration Services do issue E M M with a Kenyan passport.

e) **THAT** P N W be appointed Legal Guardian of the child E M M.

2. The same was based on provisions of Sections 4 and 154 of the Children's Act 2001 and S. 9 of Citizen & Immigration Act No. 12 of 2011 & Article 14 Constitution of Kenya.

3. The Originating Summons was supported by statement in support dated 24/09/2015 and Affidavit by Applicants filed on 24/09/2015.

4. Consent by guardian *ad litem* was also file dated 24/09/2015. Court also perused Affidavit of Fitness of proposed guardian *ad litem* sworn on 24/09/2015. There was also Affidavit of Legal Guardian dated 24/09/2015.

5. Finally the court perused statutory Declaration dated 22/11/2013 via Chamber Summons dated 24/09/2015. The court did appoint S W M guardian *Ad Litem* on 08/02/2017.

6. An assessment report dated 28/10/2016 by Child Welfare Society of Kenya urged court to allow adoption as prayed.

7. By a report dated 04/09/2014 and filed on 29/11/2016 by the child welfare society of Kenya, with attached certificate declaring a child free for adoption, the society above declared the child subject herein available for adoption under S. 158 (4) (a) of the Children Act, 2001.

8. By a confidential report by S W M, guardian *Ad Litem* filed on 16/05/2018 and dated 14/05/2018, she had the view that the child's life had greatly benefited from the intended adoption. She believed that the adopting couple was fully committed to the child judging from the close family bond that was clearly evident. She was convinced that the child had a decent promising and fulfilling life ahead of him with the adopting couple.

9. The children officer's report pursuant to High court order of 11/04/2018 also recommended that the adopting couple have fully bonded with the child, capable and ready to take care of the child in the matter in terms of education and other basic requirements. The child knows them as his parents and considers their residence as his permanent home.

10. The officer thus recommends the adopting parents to be given opportunity to adopt and take care of the child in this matter.

11. The court has gone through the record, the reports herein and the cited provisions of Law and the Constitution and therefore finds that the orders sought in the Originating Summons are merited.

12. Therefore the court makes the following orders:-

1. **The Applicant R M M and M M to adopt the child J A.**
2. **The child's name will be known as E M M from the date of order onward.**
3. **The Registrar General to make entry of E M M in the Adopted Children's Register.**
4. **The child E M M be presumed to be a Kenyan Citizen born in Kenya and that Director of Immigration Services to issue E M M with a Kenyan passport upon application and payment of the requisite fees.**
5. **P N W is appointed legal guardian of the child E M.**

**SIGNED DATED AND DELIVERED THIS 22<sup>ND</sup> DAY OF MAY 2018, IN OPEN COURT.**

**C. KARIUKI**

**JUDGE**

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