



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

ADOPTION CAUSE NO. 7 OF 2018

IN THE MATTER J a.k.a. J N.....MINOR

AND

P W K.....1ST APPLICANT

A N W.....2ND APPLICANT

JUDGMENT

This application is brought by way of Originating Summons dated 23rd May, 2018. The Applicants P W K and A N W through their advocates Karen Wanderi & Company Advocates seek the following orders:

1. Spent

2. Spent

3. Spent

4. Spent

5. Spent

6. THAT the Applicants be authorized to adopt BABY J N to be known as J N WA.

7. THAT A N W of Post Office Box Number 1854 – 20100, NAKURU in the Republic of Kenya be appointed Legal Guardian of the minor.

8. 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.

9. 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 J N W.

The Applicants **P W K** and **A N W** are husband and wife. They are residents of Kenya in Nyeri. They are also domiciled in the United States of America and are residents of Middlesex County, Massachusetts. They are in gainful employment in the United States of America. They own two homes in Nyeri and Nakuru. On 4th July, 1987 the Applicants solemnized their marriage at Nakuru within the Rift Valley Province under the African Christian Marriage and Divorce Act Cap 151 where a certificate of marriage number [particulars withheld] was issued. The Applicants have been blessed with two biological children of their own namely **T M W** and **P W N**. The minor herein **J N W** is their grandson in that their biological son **T M W** is a son of the Applicants. **PWK** and **ANW** desire to adopt **JN a.k.a JNW** since he has a medical condition that needs their close attention.

The daughter of the Applicants, **P W N** has no objection to the Applicants' desire to adopt baby **JN a.k.a JNW** as confirmed in her letter dated 25th February, 2017 and is willing to accept baby **JN a.k.a JNW** as a brother. **T M W** the son to the Applicants and father to baby **JN a.k.a. JNW** swore an affidavit to confirm adoption consent dated 7th April, 2015 indicating that he has no objection to the Applicants adopting his son.

Baby **JN a.k.a. JNW** was born on 22nd April, 2002 at Milimani Hospital, Kisumu and a certificate of birth number [particulars withheld] was issued. The minor is physically challenged and suffers from severe cerebral palsy. His biological mother V O abandoned him in the year 2004 as she realized that the minor was physically challenged and she has never been heard of since. Baby **JN a.k.a JNW** has been under the care and control of the Applicants since the time when he was abandoned.

On the 25th May, 2018 the Court directed the Director of Children Services in the Ministry of Labour and Social Protection in the Department of Children's Services, Nakuru County to conduct investigations as to the suitability of the Applicants to adopt **JN a.k.a. JNW** and submit a report and findings to Court. The minor was presumed a Kenyan citizen and the consent of the biological mother was dispensed with. The requirement for a freeing certificate was waived. The Court also appointed A N W of Post Office Box Number 1854 – 20100, NAKURU in the Republic of Kenya, holder of identity card number [particulars withheld] as the *Guardian ad Litem* of baby **JN a.k.a. JNW**.

Mr. Mwaniki John Kungu, a personnel in the County Children's office conducted a Social Inquiry on the Applicants by visiting and interrogating them at their home on 6th May, 2018. It was observed that the Applicants have taken care of baby **JN a.k.a. JNW** since infancy, thus they have demonstrated ability to maintain baby **JN a.k.a. JNW**. They have employed two people to keep watch over the child throughout. Baby **JN a.k.a. JNW** has also bonded well with the Applicants who have readily accepted him as one of their own. On 8th June, 2018 Mr. Mwambi Mongare, the County Director, Children's Services, Nakuru filed a favourable report as to the suitability of the Applicants to adopt baby **JN a.k.a. JNW**.

Upon reading the above report and satisfying myself that all the legal requirements have been adhered, this court is satisfied that this is a kinship adoption and that the Applicants are suitable persons to adopt Baby **JN a.k.a. JNW** and that they are financially stable and have the means to provide and care for him.

For the above reasons, the Court orders as follows;

1. **THAT** the Applicants be and are hereby authorized to adopt BABY J N to be known as J N W.
2. **THAT** A N W of Post Office Box Number 1854 – 20100, NAKURU in the Republic of Kenya be and is hereby appointed Legal Guardian of the minor.
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 J N W.

Dated and Signed at Nakuru this 13th day of June, 2018.

A. K. NDUNG'U

JUDGE