



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAKURU**

**ADOPTION CAUSE NUMBER 38 OF 2017**

**IN THE MATTER OF BABY M N A a.k.a.**

**MNK.....MINOR**

**AND**

**PWK.....APPLICANT**

**JUDGMENT**

The Application is brought by way of Originating Summons and is dated the 4th October, 2017. The Applicant **PWK** through her advocate Karen Wanderi & Company Advocates seeks the following orders:

1. Spent
2. Spent
3. Spent
4. **THAT** ECK of Post Office Box Number [Particulars Withheld], NJORO in the Republic of Kenya be appointed Legal Guardian of the minor.
5. **THAT** the Applicant be authorized to adopt BABY MNA a.k.a. MNK.
6. **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.
7. **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 MNK.

The Applicant **PWK** is self employed; she does part time baking and also dairy farming. The Applicant resides within Rongai Sub-County. She got married to J L A in 2002 in a customary wedding. They were blessed with two children, G N and L N. They however separated in the year 2003.

Sister to J L A and also mother to baby **MNA a.k.a. MNK**, one E E A alias E U A L, died on 2/10/2010 and baby **MNA a.k.a. MNK** moved to stay with the Applicant. They have since developed a strong mother-daughter relationship. The Applicant desires to adopt baby **MNA a.k.a. MNK** as she wants to provide psychological and financial support to the child. Baby **MNA a.k.a. MNK** is in agreement with the Applicant's move to adopt her and has given consent vide a letter dated 31st July, 2017. Vide a letter dated 31st July, 2017 L N, a biological child to the Applicant has no objection to the adoption. The siblings of **MNA a.k.a. MNK** herein EA, CN and BN have also consented to the intended adoption vide their letters dated 6/7/2017. J L, the brother to the late E E A and uncle to baby **MNA a.k.a. MNK** consented to the adoption vide a letter dated 6/8/2015.

Baby **M N A a.k.a. MNK** was born on or about 8th August, 2004 at Rift Valley Provincial General Hospital vide birth certificate number [particulars withheld]. Immediately after the death of the minor's mother, baby **M N A a.k.a. M N K** began living with the Applicant. The Applicant and baby **M N A a.k.a. M N K** have bonded well. The Applicant has always provided support to the child since she started taking care of her. The medical report of baby **M N A a.k.a. M N K** reveals that her health status is good.

Baby **MNA a.k.a. MNK** was declared free for adoption by the Change Trust Organization on 22nd August, 2017 and a Certificate to Declare

a Child Free For Adoption serial number [particulars withheld] was issued. The Applicant was taken through the due process of adoption by the same organization. The Applicant read the contents of the Explanatory memorandum of adopters and confirmed having understood it by appending her signature on 28/7/2017.

On the 19th April, 2018, the Court ordered the County Children's Coordinator in the Ministry of Labour, Social Protection to investigate the Applicant's fitness to adopt Baby **MNA a.k.a. MN K**. One **ECK** of Post Office Box Number [Particulars Withheld], NJORO was appointed *Guardian ad litem* of **MN A a.k.a. MNK**. The consent of the biological parents was dispensed with.

Viola Yego, a personnel from the children's services visited and interrogated the Applicant on her suitability to adopt Baby **MNA a.k.a. MNK**. Mwambi Mongare, the County Children's Coordinator, Nakuru filed a report in Court dated 3rd July, 2018.

This court has had occasion to consider the application and the relevant report filed. The court is satisfied that the applicant is suitable to adopt baby **MNA a.k.a. MNK** and that she is financially stable and has the means to provide and care for her. It is ordered;

1. **THAT** RWM of Post Office Box Number [Particulars Withheld] - 20100, NAKURU 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 MNA a.k.a. MNK.
3. **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.
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 MNK.

**Dated and Signed at Nakuru this 27th day of September, 2018.**

**A. K. NDUNG'U**

**JUDGE**