



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAKURU**

**ADOPTION CAUSE NUMBER 39 OF 2017**

**IN THE MATTER OF BABY T L a.k.a.**

**T V K.....MINOR**

**AND**

**P W K.....APPLICANT**

**JUDGMENT**

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

1. Spent
2. Spent
3. Spent
4. **THAT** E C K of Post Office Box Number 283, NJORO in the Republic of Kenya be appointed Legal Guardian of the minor.
5. **THAT** the Applicant be authorized to adopt BABY T L a.k.a. T V K.
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 T V K.

The Applicant **P W K** is self employed; she does part time [particulars withheld] and also [particulars withheld]. The Applicant resides at [particulars withheld] Village, Ngata Location 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 **TL a.k.a. TVK** one E E A alias E A L, died on 2/10/2010 and baby **TL a.k.a. TVK** moved to stay with the Applicant. They have since developed a strong mother-daughter relationship. The Applicant desires to adopt baby **TL a.k.a. TVK** as she wants to provide psychological and financial support to the child. Baby **TL a.k.a. TVK** is in agreement with the Applicant's move to adopt her and has given consent vide a letter dated 31st July, 2017. L N, a biological child to the Applicant has no objection to the adoption and has given consent vide a letter dated 31st July, 2017. The siblings of **MNA a.k.a. MNK** herein **E A, C N** and **B N** have also consented to the intended adoption vide their letters dated 6/7/2017. J L, the maternal uncle to baby **TL a.k.a. TVK** consented to the adoption vide a letter dated 6/8/2015.

Baby **TL a.k.a. TVK** was born on or about 14th February, 2008 vide birth certificate number 08087. Immediately after the death of the minor's mother, baby **TL a.k.a. TVK** began living with the Applicant. The Applicant and baby **TL a.k.a. TVK** have bonded well. The Applicant has always provided support to the child since she started taking care of her. The medical report of baby **TL a.k.a. TVK** reveals that her health status is good.

Baby **TL a.k.a. TVK** 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 00230 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 **TL a.k.a. TVK**. One **E C K** of Post Office Box Number [...], NJORO was appointed *Guardian ad litem* of **TL a.k.a. TVK**. The consent of the biological parents was dispensed with.

Viola Yego, a personnel from the children's services conducted an interview on the Applicant on 17th May, 2018 and later on 18th May, 2018 visited and interrogated the Applicant at her residence on her suitability to adopt Baby **TL a.k.a. TVK**. 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 reports filed. The court is satisfied that the applicant is suitable to adopt baby **TL a.k.a. TVK** and that she is financially stable and has the means to provide and care for her. It is ordered;

1. **THAT** R W M of Post Office Box Number 10352-20100, 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 T L a.k.a. T V K.
3. **THAT** the Registrar General is hereby directed to 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 T V K.

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

**A. K. NDUNG'U**

**JUDGE**