

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI
ADOPTION CAUSE NO.177 OF 2014
IN THE MATTER OF THE CHILDREN, 2001

AND
IN THE MATTER OF AN ADOPTION OF BABY VW (CHILD)

DEH &

J M H.....APPLICANTS

RULING

I have considered the applicant's application dated the 10/2/16. The applicant seeks the following orders;

- i. That the assessment by the Director of Children Services, Ministry of Labour, Social Security and Services to investigate the applicants' fitness to adopt be dispensed with.**
- ii. That the cause be certified to be ready for hearing of the Originating Summons application herein.**

The Director of Children's Services was served and did not respond. The Director's report is not a mandatory requirement, though it helps the court in assessing the applicant's fitness in adopting a child.

The case before this court was filed before the Moratorium on the 9/7/14. The office of the Director of Children's Services has failed to explain why they cannot tender a report.

No prejudice will be caused if the report is not filed as the court will consider the facts on the other available reports and its interview of the applicants in court. I therefore allow the application dated the 10/2/16. Prayer no. 1 is granted. The Originating Summons to be set down for hearing. Costs be in the cause.

Dated signed and delivered this **24th** of day **February 2017**.

R.OUGO

JUDGE

In the presence of:

Absent For the Applicants

M/s Charity Court/ clerk