



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

ADOPTION CAUSE NO. 7 OF 2014

IN THE MATTER OF THE CHILDREN ACT

IN THE MATTER OF BABY M C A a.k.a

M C A O.....SUBJECT

AND

W M A.....APPLICANT

RULING

The Application is brought by way of Originating Summons dated the 20th day of June, 2014 and later an amended one dated 16th February, 2016. The Applicant **WMO** through Karen Wanderi & Company Advocates, her advocates seek the following orders:

1. Spent
2. Spent
3. Spent
4. That the applicant be authorised to adopt BABY M C A to be known as M C A O.
5. That it be directed 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.
6. That the Registrar of Births and Deaths be directed to issue the child with a certificate of birth in the names of **MCAO**.

W M A (hereinafter the applicant) is a widow and single. She was married to A O O in 1988 but unfortunately he passed on in 2001. She is a mother of three children who are all over eighteen (18) years. She is a Christian of Catholic faith. She lives at [particulars withheld] Flats in Nakuru town. She is a Cateress by profession and has been working at Laikipia University since 1991. She is financially stable and she lives in a comfortable rental house.

She wishes to adopt **BABY MMA a.k.a MMAO**.

BABY MMA a.k.a MMAO was born on 25th May, 2009 to M O and the late E A O. M O who is alive is the second born brother of the applicant. Her mother was a sister-in-law to the applicant. She died on 15th October, 2009 of pneumonia due to immune suppression.

Immediately after the death of **Baby MMA a.k.a MMAO**'s mother, she was placed under the care of the applicant who is her aunt. The applicant has since continued to give proper care, motherly love, parental guidance and mentorship. Both the applicant and the biological father (M) of **Baby MMA a.k.a MMAO** want the child to have a sense of belonging within the applicant's family.

M O O, the biological father of **Baby MMA a.k.a MMAO** has sworn two (2) affidavits (Affidavit of consent to the adoption of a child and Consent to the making of an adoption order) dated 18th October, 2013 and 20th June, 2014 respectively giving consent for the applicant to adopt the minor. On 21st June, 2013 he was taken through a Memorandum headed "**Adoption for children explanatory memorandum for biological parent/guardians offering child/children for adoption**" by the Adoption Officers of Kenya Children's Home Adoption Society which he signed as having understood.

On 22nd February, 2016 J A O ID. NO. [particulars withheld] of P.O. Box No. [particulars withheld] NAKURU swore two affidavits consenting to be Guardian *Ad Litem* and Legal Guardian to **Baby MMA a.k.a. MMAO**.

The child is friendly and disciplined. She is in good health, jovial and is developing well. The child is schooling at [particulars withheld] Academy. She is in class two. She has blend very well with the applicant and her children. She knows no other home.

On 31st October, 2016, the court ordered the Director, Children's Department, Office of the Vice President Ministry of Gender and Youth Affairs to investigate the applicant's fitness to adopt **Baby MMA a.k.a. MMAO** and file a report. On 10th October, 2016, Maureen Omondi on behalf of the Nakuru Sub-County Children's Officer filed in court a report dated 27th September, 2016 favouring and recommending the applicants' decision/application to adopt **Baby MMA a.k.a MMAO**.

The Kenya Children's Homes Adoption Society also filed a report dated 27th August, 2014 on the applicant's suitability to adopt the minor. They issued a Certificate declaring the child free for adoption No.1069 dated 12th day of March, 2014.

I have had occasion to consider the application, the relevant reports filed and also observe both the applicant and **Baby MMA a.k.a MMAO** who were all present during the hearing. All the the reports are favourable in support of the applicant's prayer to adopt the minor herein. She is an aunt, in a stable condition, she has the means and a conducive environment for the bringing up of the minor.

With the result, the amended chamber summons dated 16th February, 2016. is allowed in terms of the following prayers:

1. The applicant is hereby authorised to adopt **BABY M CA** to be known as **M C A O**.
2. 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.
3. The Registrar of Births and Deaths do issue the child with a certificate of birth in the names of **M C A O**.

Orders accordingly.

Dated, Signed and Delivered at Nakuru this 23rd day of February, 2017.

A. K. NDUNG'U

JUDGE