



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU
ADOPTION CAUSE NO. 7 OF 2016
IN THE MATTER OF BABY H K N.....MINOR
AND
R K N *alias* R K N C.....APPLICANT

RULING

By way of Originating Summons dated 16th December, 2015, **R K N *alias* R K N C** through her Advocate, G. C. Nyongesa & Company Advocates seeks orders:

1. Spent
2. Spent
3. Spent
4. Spent
5. Spent
6. That the court does issue such orders as may be necessary in the best interest of the child.
7. Spent

R K N *alias* R K N C (hereinafter the applicant) is a [particulars withheld] by profession. She is also self employed as a designer of wedding dresses and custom made clothes. She also does part time teaching at [particulars withheld]. On 17th December, 2014, she got married **A J C** under the African Marriage & Divorce Act (Cap 151) at the Geranium Gardens in Nakuru County. They were issued with Marriage Certificate No.[...]. **A J C** is not the biological father of the minor, **HKN**.

A J C (Applicant's husband) vide his letter dated 16th April, 2016 to the Children's Coordinator, Nakuru County confirms his strong support for her application for single-parent adoption of her own daughter, **HKN**. He and the minor have a very loving and strong step-daughter/step-father relationship and states that the Applicant's application was made with his full knowledge and following a consultation.

The minor **HKN** was born on 11th November, 2005 at the Provincial General Hospital, Nakuru to her mother **R K** (Applicant) and her (applicant's) boyfriend, one **S O M** who has since never been in touch with the minor and the applicant. They were never married and so the said **S** has since been absent from

the minor's life.

HKN the minor, was brought up by her maternal grandparents Mr. and Mrs. N N from birth in 2005 to 2015. She was enrolled at [particulars withheld] School at Egerton in 2009 where she remained until April, 2015 when her mother (Applicant) took her to Colombo in Sri Lanka where she joined [particulars withheld] School where she is today.

While the minor's biological father's consent is not forthcoming as he cannot be traced, the maternal grandmother who provided care and protection for her from 2005 to 2015 consents the adoption.

HKN is the only child and the Applicant (the mother) is the only parent. Inheritance is not an issue, however in future the applicant states she is ready to write a will should need arise.

On Court's direction to conduct investigations as to the suitability of the Applicant to adopt HKN and submit a report of his finding, Mr. Abdi Sheikh Yusuf, the County Children's Coordinator, Nakuru County on 20th April, 2016 filed a report dated 18th April, 2016.

In the report, he felt that although the case was genuine and in the best interest of the child, he left the court to make orders concerning the absence of the minor's biological father's consent and the Certificate Freeing a child for adopt.

I have considered the application; the relevant reports for the County Children's Coordinator Nakuru County.

The child's biological father has been absent from the life of the child since birth and remains at large. The mother and the child have not had contact with him since she was born. The consent of the father is not forthcoming since the father cannot be traced. It is therefore appropriate to dispense with the consent of this biological parent.

Looking at the matter in totality and in the circumstances of this case, I am satisfied that it is in the best interests of the child that an adoption order be made.

Consequently, I allow the application and make the following orders.

1. THAT the consent of the biological father of the minor H K N be and is hereby dispensed with since the person is unknown to the child and his whereabouts is unknown and he has never taken up parental responsibility at all.
2. THAT the Applicant be and is hereby authorized to adopt H K N and the child be called H K N henceforth.
3. THAT the Registrar-General do make the appropriate entries in the Adopted Children's Register in respect of H K N.
4. THAT the costs be in the cause.

Dated, Signed and Delivered at Nakuru this 27th day of July, 2017.

A. K. NDUNGU

JUDGE