



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

ADOPTION CAUSE NO.18 OF 2016

IN THE MATTER OF P N N.....MINOR

AND

A T N.....APPLICANT

RULING

By way of an amended Originating Summons dated the 27th day of April, 2017, the Applicant through his lawyer Makori & Rioba & Company Advocates seeks the following orders:

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2(a) THAT the applicant be authorized to adopt the minor herein, P N.

2(b) THAT the child be presumed to be a Kenyan Citizen having been found in Kenya having been birthed by Kenyan parents.

THAT the Registrar-General do make the appropriate entries in the Adopted children's register in respect of the minor and further the Registrar of Births and Deaths do issue a Birth Certificate in respect thereof.

That the court does issue such other orders as may be necessary in the best interest of the child.

THAT costs be in the cause.

According to the records, the Applicant is thirty three (33) years old, single, but hopes to marry someday so as to have a partner who will help him in caring for the minor. He is a Senior Manager with a UK based company known as [Particulars Withheld] Limited. He is the paternal uncle to the minor by virtue of the minor's late father being his brother. He has been taking care of the minor by providing for his education and basic needs since the death of the minor's father. He visits the minor twice every year and communicates with him often.

The applicant wishes to adopt the minor as he wants to give him stability and for him to have a sense of belonging, acceptance and security. He wants the minor to receive fatherly love on a more permanent basis as the minor lost his father when he was still very young. He understands the child's inheritance right once adopted and that the minor will be equal heir to his biological children.

The minor, **PNN** was born on 3rd May, 2001 to F N N (the second born brother to the applicant, who died on 24th February, 2013) and T O O. His mother abandoned him in 2003 after the death of the father. She has never returned and her whereabouts is unknown hence there being no biological mother's consent. He is now fifteen (15) years and a form three (3) student at [Particulars Withheld] School in Nakuru. During the holidays he stays with his paternal aunt at [Particulars Withheld] in Nakuru. He is aware of the arrangements of his adoption to the applicant and has no objection (on 27th April, 2017 he swore an affidavit consenting the same). He is friendly and disciplined and in good health.

On the 2nd May, 2017, E W K, of Post Office Box [Particulars Withheld] , Nakuru was appointed *Guardian ad Litem* of the minor herein and the Director of Children's Services in the Ministry of Gender, Children and Social Development was ordered to conduct investigations as to the suitability of the Applicant to adopt the minor and submit a report on his findings to court.

After conducting investigations by visiting and interrogating the Applicant, at his home in [Particulars Withheld] where the minor and his aunt reside, Mr. Olive Kamau, Nakuru Sub-County Children's officer filed a favourable report in court dated 2nd May, 2016 on the Applicant's suitability to adopt the minor.

The KKPI Adoption Society in its meeting of 16th May, 2017 declared the minor free for adoption and issued a Certificate Of Declaring A Child Free For Adoption serial No. [Particulars Withheld] Upon reading the above report and satisfying myself that all the legal requirements have been adhered to and the applicant is also financially stable and have the means to provide and care for the minor, the amended application dated 27th April, 2017, is allowed in terms of the following prayers:

1. The applicant is hereby authorised to adopt the minor herein.
2. The minor is presumed a Kenyan Citizen having been born of Kenyan parents.
3. The Registrar-General to make the appropriate entries in the adopted children's register in respect of the minor and the Registrar of Birth and Death do issue a Birth Certificate in respect thereof.

Dated, Signed and Delivered at Nakuru this 24th of July, 2017

A. K. NDUNG'U

JUDGE