



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU
ADOPTION CAUSE NO. 44 OF 2015
IN THE MATTER OF

BABY V N G A.K.A S M.....INFANT

AND

J M M & Y N I.....APPLICANTS

RULING

The Application is brought by way of Originating Summons dated the 2nd day of November, 2015. The Applicants JMM and YNI seek the following orders;

- (1) Spent
- (2) Spent
- (3) Spent
- (4) Spent
- (5) That the Applicants be authorised to adopt Baby V N G a.k.a S M M.
- (6) That C K I of Post Office Box *[particulars withheld]*, Nakuru be appointed Legal Guardian of the minor.
- (7) That the Registrar-General do make the appropriate entries in the Adopted Children's Register an entry recording the adoption in accordance with the particulars set out in the schedule of this order.
- (8) That the Registrar of Births and Deaths be directed to issue the child with a Certificate of Birth in the names of **S M M**.

The Applicants JMM and YNI (hereinafter the applicants) are husband and wife. They were married under Kisii Customary Law. They then formalized their marriage at the Marriage Registry at D.C.'s office, Nakuru in the year 2015. They are not blessed with a biological child of their own. JMM is a Prisons Officer and YNI is a business lady.

They wish to adopt baby **SMM**. The child was born in 8th July, 2014. Her biological mother LGN gave

her away for adoption through the Kenya Children's Homes Adoption Society on 10th February, 2015. On 15th May, 2015 baby SMM was admitted to Thomas Barnardo House vide Nairobi Children's Court P & C No.116 of 2015.

The applicants have been taking care of the child since 2nd November, 2015. Prior to the hearing of the adoption, an officer from Nakuru County Children's Services filed a report in court together with a Certificate No.[*particulars withheld*] by Kenya Children's Home Adoption Society declaring the child free for adoption dated 16th day of June, 2015.

The *Guardian ad Litem*, C K I swore an affidavit confirming that the applicants are known to her and that she understood her responsibility on the baby incase of incapacitation on the part of the applicants.

I have had occasion to consider the application and the relevant reports filed. All the reports are favourable in support of the applicants' prayer to adopt baby **SMM**. They are in a stable union, they have the means and a conducive environment for the bringing up of the minor.

For the above reason, the Originating Summons on application for an adoption order dated 2nd November, 2015 is hereby allowed.

Orders accordingly.

Dated, Signed and Delivered at Nakuru this 18th day of February, 2016

A. K. NDUNGU

JUDGE