



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAKURU**

**ADOPTION CAUSE NO. 13 OF 2015**

**IN THE MATTER OF MINOR A N A a.k.a A N A.....MINOR**

**AND**

**S S AND**

**J A A.....APPLICANTS**

**RULING**

The Application is brought by way of Originating Summons and is dated the 15<sup>th</sup> day of May, 2015. The Applicants **S S AND J A A** through their advocate seek the following orders:

1. Spent
2. The consent of the biological parents of the minor, **AN a.k.a ANA** be allowed.
3. That **AN a.k.a ANA** be presumed a Kenyan citizen by birth.
4. That the applicants be authorised to adopt **ANA a.k.a ANA** and the child be called **ANA** henceforth.
5. That the Registrar-General do make the appropriate entries in the adopted children's register in respect of **AN a.k.a ANA**.
6. That the court does issue such orders as may be necessary in the best interest of the child.
7. That the costs be in the cause.

The Applicants **SS and JAA** (hereinafter the applicants) are husband and wife. They were married under the African Christian Marriage and Divorce Act (CAP151) at St. Andrew School Chapel on 22nd August, 2009. Since the marriage, the minor **AN a.k.a ANA** has been under the care of the Applicants.

Both applicants are teachers at [particulars withheld] School.

The minor **AN a.k.a ANA** was born on 14th October, 2001. He was born of the 1st applicant (S W N) and M K N. M K N now lives in USA with another family. Although the two were never married, he gave a consent dated 12th June, 2014 to the adoption of **AN a.k.a ANA** by the applicants.

SWN (1st applicant) also swore an affidavit on 20th June, 2014 and also write a letter dated 6th September, 2013 to the Kenya Children's Home Adoption Society giving consent to the adoption.

On 31st June, 2015, the court confirmed W M of P. O. Box [particulars withheld], NAIROBI as *Guardian ad Litem* of **AN a.k.a ANA** and directed the Director of Children's Service to conduct investigations and file a report within forty five (45) days on the suitability of the applicants to adopt **AN a.k.a ANA**

On the 20th May, 2014 County Co-ordinator Children's Services, Ministry of Labour, Social Security and Services, Molo Sub-county after conducting investigations by visiting and interrogating the Applicants filed a favourable report dated 10th September, 2015 in court on the Applicants' suitability to adopt Baby **AN a.k.a. ANA**. A Certificate of declaring a child free for adoption Serial No.[particulars withheld] dated 13th August, 2014 was also filed.

Upon reading the above report and satisfying myself that all the legal requirements have been adhered to and also after observing the demeanor of the applicants and that of the child at the hearing hereof, this court is satisfied that the applicants are suitable persons to adopt Baby **AN a.k.a. ANA** and that they have a good home, are financially stable and have the means to provide and care for him.

For the above reasons, the court hereby orders as follow:

8. The consent of the biological parents of the minor, **AN a.k.a ANA** is allowed.
9. That **AN a.k.a ANA** be presumed a Kenyan citizen by birth.
10. That the applicants be authorised to adopt **ANA a.k.a ANA** and the child be called **ANA** henceforth.
11. That the Registrar-General do make the appropriate entries in the adopted children's register in respect of **AN a.k.a ANA**.

**Dated, Signed and Signed at Nakuru this 9th day of June, 2016**

**A. K. NDUNG'U**

**JUDGE**