



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NAKURU**  
**ADOPTION CAUSE NO.34 OF 2015**  
**IN THE MATTER OF J G**

**AND R S.....SUBJECTS**

**AND**

**A N G.....APPLICANT**

**RULING**

The Application is brought by way of Amended Originating Summons and is dated the 21<sup>st</sup> day of July, 2015 through lawyer E. N. Ng'ang'a & Co. Advocates. The Applicant **ANG** seek the following orders:

- That the application be certified as urgent.
- That the Department of Children's Services Nakuru County do investigate the suitability or otherwise of the applicant to adopt the subjects and submit a report.
- That the Applicant be authorised to adopt **JGN** and **RSN** respectively.
- That the Registrar-General do make the appropriate entries in the Adopted Children's Register.

On 23rd July, 2015 the same advocate filed an amended originating summons dated 22nd day of July, 2015 seeking the following orders:

1. Spent
2. Spent
3. That the Applicant be authorised to adopt **JGN** and **RSN** respectively.
4. That the Registrar-General do make the appropriate entries into the Adopted Children's Register in Respect to the children and do issue certificates of adoption.

The applicant is a Managing Director of a Computer Company based in Toronto Canada where he earns a net salary of over Ksh.3 million. He is a permanent resident of USA having won Permanent Resident Card in 2002 which is equivalent to U.S.A green card and now lives there.

According to the records, the Applicant is married has his own biological children namely G N and M N respectively. His mother was a single parent and a sister to the father of the subject herein hence his

uncle. He was brought up by the uncle and so he had lived well with his cousins two of whom are the subjects.

Currently, he is staying with the second born sister to the subjects in his residence in USA. He has also been assisting the father to the subjects financially to help him meet their basic needs including education since he (the uncle) retired from public service.

He would wish to adopt the subjects so that he can have full responsibility over them and take them in at his residence. Both parents to the subjects are very much aware of the adoption process and its implication. They made the decision and gave consent to allow the nephew to adopt the two under no duress and with a conscious and sound mind.

The subjects are also aware of the arrangements and they have no objection for they consider the applicant to be one of them. They also gave consent before court and said they were agreeable to the arrangement.

On the 14th April, 2016 S C K, of Post Office Box 769, OL KALOU was appointed Guardian *Legal ad Litem* of the subjects herein and the Director of Children's Services, Nakuru was ordered to investigate the suitability or otherwise of the applicant to adopt the subjects and submit a report.

After conducting investigations by visiting and interrogating the Applicant, the subjects and their parents, Mr. D.M. Koigi, the Sub-County Children's Officer, Nyandarua North Sub-County filed a favourable report in court dated 18th May, 2016 on the Applicant's suitability to adopt both **JGN and RSN**.

Upon reading the above report and satisfying myself that all the legal requirements have been adhered to and also after hearing both subjects and their biological parents who appeared before me, this court is satisfied that the applicant is a suitable person to adopt Baby **JGN** and **RSN** and that he is also financially stable and have the means to provide and care for them.

With the result, the amended originating summons dated 22nd July, 2015 is allowed in terms of the following prayers:

The Applicant is authorised to adopt **JGN** and **RSN** respectively.

The Registrar-General do make the appropriate entries into the Adopted Children's Register in respect to the subjects and do issue certificates of adoption.

**Dated, Signed and Delivered at Nakuru this 9th of December, 2016**

**A. K. NDUNG'U**

**JUDGE**