



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MERU
Adoption Cause No. 2 Of 2015
IN THE MATTER OF A W GTHE MINOR
AND
H A MAPPLICANT

RULING

1. The applicant H A M through an originating summons on the application for an adoption order pursuant to Section 154, 156(1),17(1),158(1),(A) and (B) and (2),159,160(1),164(1) and 170 of the Children Act seeks the following orders:-
 - i. ***That H A B the biological mother of the minor be appointed guardian ad litem***
 - ii. ***That the court do order that the applicant had customarily adopted one A W G since he was a small boy.***
 - iii. ***That the applicant be authorized to legally adopt A W G the minor.***
2. The application is supported and is based on the statement in support of the application for an adoption order by H A M the maternal grandmother of the minor “AWG” who averred that the whereabouts of the minor’s father is unknown since the birth of the minor and that she has been in actual and physical custody of the minor. That the biological mother has given consent to the adoption and that the applicant is capable to take care of the minor. That she is 62 years of age as per passport marked”HAM3” and a Resident of Kenya.
3. The application is supported by a consent of H A B who has consented to act as guardian ad litem of “AWG”; applicant’s affidavit in support of an application for adoption order; affidavit of fitness of guardian ad litem and certificate of birth.
4. The Little Angles Network Society of Kenya through Rose Okemo a representative of the said Society filed several documents in support of the application being adoption procedures; form for enquiry on prospective Adopter; referee information on prospective adopter Report to Declare a child free for adoption pursuant to Section 156(1) of the Children Act; Certificate of declaration of a child is free for adoption; consent to give up child for adoption. The society in their report confirmed that child “AWG” is free for adoption and produced certificate to that effect. That the applicant H A M is qualified to adopt the minor herein. That section 158 of children Act has been complied with save for consent of child’s biological father who could not be traced and that has not been traced since the birth of the minor who is now around 16 years.

5. I have very carefully considered the application, the provisions of Section 154 to 170 of the Children Act, the affidavits in support. I am satisfied that the relevant provisions of the Children Act regarding adoption; prerequisites for adoption, appointment of guardian ad litem has been complied with. The applicant had met all conditions for granting of adoption order inspite of the consent of the minor's father being not secured. The explanation given is accepted and the consent of the minor's father is hereby dispensed with.
6. I am satisfied the applicants' application is merited. I therefore make the following orders:-
 - a. ***That H A B the biological mother of the minor "AWG" be and is hereby appointed guardian ad litem.***
 - b. ***The applicant H A M has been and had customarily adopted minor "AWG" since he was a small baby.***
 - c. ***An adoption order be and is hereby made authorizing the applicant H A M to adopt minor "AWG".***

DATED, SIGNED AND DELIVERED AT MERU THIS 21ST DAY OF APRIL, 2015.

J. A. MAKAU

JUDGE

Delivered in Chambers in presence of:

1. ***Ms. Kaume for applicant***
2. ***Applicant – present***
3. ***Guardian- present***

J. A. MAKAU

JUDGE