



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT ELDORET
ADOPTION CAUSE NO. 7 OF 2011 (O.S.)
IN THE MATTER OF THE CHILDREN'S ACT 2001
AND
IN THE MATTER OF BABY F
AND
IN THE MATTER OF AN APPLICATION FOR ADOPTION BY P.J.W AND J.M.O FOR THE
ADOPTION OF BABY F ALIAS F.O.W

RULING

Before me is an Originating Summons dated 28th October, 2011 brought by **P.J.W** and **J.M.O** (hereinafter the **applicants**) for two primary orders of the Court, namely that **V.K.L** and **C.S.O** be appointed Guardians ad Litem in respect of baby **F** alias **F.O.W** and that the said **P.J.W** and **J.M.O** be authorized to adopt the said baby **F** alias **F.O.W** (hereinafter "**the minor**"). The application is expressed to be brought under the provisions of sections 158, 159, 160 and 170 of the Children Act No. 8 of 2001.

The application is based on the main grounds that the applicants have fostered the child for a period of three (3) months, that the minor was abandoned and has since not been claimed by his biological mother and that there is no previous adoption application made relating to the said minor.

The Originating Summons is accompanied by a Statutory Statement of the applicants to which the following documents are annexed: copies of the identify cards of the applicants, an affidavit sworn by the applicants, particulars of the applicants and the minor and a duly completed infant release form from Missionaries of Charity Huruma. There are also affidavits sworn by the applicants and the said Guardians ad Litem.

I have considered the Originating Summons, the Statutory Statements, all the affidavits filed and their annexures. Having done so, I am satisfied that **V.K.L** and **C.S.O** are qualified and fit to be appointed Guardians ad Litem in respect of the minor herein. They have deponed that they have no interests adverse to those of the minor.

With regard to the prayer for an adoption order, the applicants have annexed documents showing that the minor was released to them by Missionaries of Charity – huruma which release was endorsed by the Child Welfare Society of Kenya, a registered adoption society. They have deponed, *inter alia*, that they are business persons and they received the minor in their care and possession on 18th December, 2010 and have since provided for him.

I am in the premises, satisfied that the prerequisites for the grant of an order of adoption have been met. Accordingly, the Originating Summons dated 28th October, 2011 is allowed in terms of paragraphs 1, 2, and 3 thereof. The minor shall henceforth be known as **F.O.W.**

Orders accordingly.

**DATED AND DELIVERED AT ELDORET
THIS 20TH DAY OF FEBRUARY, 2012.
F. AZANGALALA
JUDGE**

Read in the absence of the applicants.

**F. AZANGALALA
JUDGE**