



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION NO: 38 OF 2011

IN THE MATTER OF THE CHILDREN'S ACT

(ACT NO. 8 OF 2001)

AND

IN THE MATTER OF BABY GW a.k.a AW

RULING

This ruling is delivered further to the observations recorded on 21st October 2011 by her honour, Lady Justice Karanja (now J.A.) the exparte Originating Summons dated 8th March 2011 filed by **BWM**, for authority to adopt the child known as **GW** alias **AW** (hereinafter referred to as "**the Child**"). Upon perusal of the documentation filed before court, including the reports by the Guardian Ad Litem and the Director of Children's Services duly filed, the court was satisfied of the social and moral suitability of the applicant to adopt the child.

However, the court was not satisfied, of the financial capability of the applicant to provide for the upkeep and education of the child, the applicant having failed to produce any documentation to prove such capacity. Even if not stated in the observations by the Judge, non availability of means would also imply that the adopting parent would not be in a position to guarantee the child an inheritance.

As ordered by the court, the applicant has filed a further affidavit annexing copies of the following documents:

- a. *A copy of the applicant's Bank Statement for the period 1.4.2011(Family Bank)*
- b. *A copy of the applicants' Bank Statement for the period July-September 2011 (NIC Bank)*
- c. *A copy of the applicant's payslips for the months of July, August, September 2011.*
- d. *A copy of a Certificate of Good Conduct issued to the applicant on 22.08.2011.*
- e. *A copy of a Bank statement in respect of a Junior Account opened for the child by the applicant with the Co-operative Bank.*

The court notes that the child attends a top school. That the applicant has gone to the extent of opening a bank account for the child is commendable.

Considering the above, I am of the view that the applicant has satisfactorily proved her financial and other capacity to fulfil the parental obligations to the adoptive child, **GW** alias **AW**. Accordingly the originating summons dated 8th March 2011 is hereby allowed in terms of prayers 3, 4 and 5 thereof being satisfied that the adoption is in the child's best interests.

DATED, SIGNED and DELVIERED at NAIROBI this 22nd DAY OF March 2012.

M.G. MUGO
JUDGE

In the presence of :

Miss Kimenjo for the applicant.