



**IN THE MATTER OF: THE CHILDREN ACT 2001**

**AND**

**IN THE MATTER OF: THE ADOPTION OF L M**

**IN THE MATTER OF: AN APPLICATION BY T M B FOR THE ADOPTION OF L M**

**T M B.....APPLICANT**

**VERSUS**

**S N O.....RESPONDENT**

**RULING**

By her Originating Summons dated 16<sup>th</sup> February 2009, TMB (hereinafter “the applicant”) has applied for two primary orders that one RO be appointed Guardian ad Litem and that the applicant be authorized to adopt LM (hereinafter “the minor”). The application is expressed to be brought under the provisions of Sections 76, 154, 156, 158, 159, 160, 163, 170 and 171 of the Children Act No. 8 and all enabling provisions of the Law.

The Originating Summons is accompanied by a Statutory Statement which appears to have been made before a Commissioner of Oaths. It is to that statement that the applicant has annexed several documents including a report from a registered Adoption Society stating that the minor is available for adoption. There are also affidavits sworn by the applicant, the said Guardian Ad Litem and several Letters of Consent from the minor’s close relatives. There is also a further affidavit sworn by the applicant to which is annexed a letter of appointment indicating the financial means of the applicant.

I have considered the Originating Summons, the Statutory Statement, all the affidavits filed and their annexures. Having done so, I have come to the conclusion that RO is qualified and fit to be appointed Guardian Ad Litem. She has deponed in her affidavit that she has no interest adverse to that of the minor and that the proposed adoption will be in the best interests and welfare of the minor who has lived with the applicant since the year 2002.

With regard to the prayer for an adoption order, the applicant has annexed a declaration from Little Angel’s Network, a registered Adoption Society, declaring that the minor is available for adoption. She has further deponed that she has been living with the minor since the year 2002 even before the minor’s single parent, RMNM, who was her cousin, died on 10<sup>th</sup> July 2005. In the Declaration Report made by Little Angel’s Network, the latter have evaluated and assessed the applicant and found her suitable to adopt the minor. The applicant is an Accountant by profession and is financially stable.

In those premises, the applicant has satisfied all the prerequisites for the grant of an order of adoption. Accordingly, the Originating Summons dated 16<sup>th</sup> February 2009 is allowed as prayed in paragraphs 1, 2 and 3 thereof.

Orders accordingly.

**DATED AND DELIVERED AT MOMBASA THIS 27<sup>TH</sup> DAY OF MAY 2009.**

**F. AZANGALALA**

**JUDGE**

Read in the presence of:-

Mr. Buti holding brief for Mokaya for the Applicant.

**F. AZANGALALA**

**JUDGE**

**27<sup>TH</sup> MAY 2009**