



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

ADOPTION CAUSE NO. 50 OF 2020

IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY DN

MWN.....APPLICANT

RULING

1. The applicant filed an originating summons dated 11th December 2017 seeking the following orders: -

- 1) *The applicant be authorized to adopt the child JDN.***
- 2) *That upon making the adoption order, the said child be known as JDN.***
- 3) *That the registrar general does make the appropriate entry of JDN in the adopted Children Register***
- 4) *That the child JDN be presumed to be a Kenyana citizen born in Kenya.***
- 5) *That MWN be appointed legal guardian of the child JDN.***

2. The application is supported by a statement of particulars signed by the applicant on 11th December 2017. She averred that she is a Kenyan citizen and has not been charged or convicted for any offence. She averred that the child has been in her custody since the year 2012 and has had continuous care and custody of the child since then. She proposes to have the child named **FW** once the order for adoption is allowed.

3. The applicant signed consent to act as guardian *ad litem* for the child if so appointed by this court. In the affidavit attached, she stated that she works at New Life Africa International and is competent to act as guardian *ad litem* for purposes of these proceedings.

4. The applicant further averred that she has the means to maintain and bring up the child herein and provide proper social and basic human needs.

5. The applicant further filed an affidavit of fitness dated 11th December 2017 sworn by **AMK**. She averred that she has known the applicant for over 7 years and she has no doubt that the applicant is fit and proper person to act as guardian *ad litem* for the child; that she is a person of high integrity and has no interest adverse to those of the child; further that she knows the applicant has been living with the child for over 8 years and she relates with the child as a mother would. She also swore an affidavit of willingness to be legal guardian to the child and affidavit of fitness in respect to the applicant as guardian *ad litem* for the child.

6. Light Angels Networks filed a report recommending the applicant to be allowed to adopt the child herein. The report indicates that the case committee of little Angels Network deliberated on the applicant's application on 20th June 2012 and were satisfied that **JN** was available for adoption as adoption would be in her best interest

7. The County Children's Coordinator Nakuru prepared a report dated 8th February 2021 recommending that the applicant be allowed to adopt **JDN** who she proposes to call **FW**.

8. The applicant appeared before court together with the child herein on 6th October 2021. I interviewed both the applicant and the child and noted that they have bonded well as child and mother. The child who is aged 16 years stated that she is comfortable with the idea of being adopted by the applicant herein.

9. From the foregoing, I am of the view that the child will be better placed being adopted by the applicant. It would be in the interest of the child to allow this application.

10. FINAL ORDERS

- 1) The applicant herein MWN is hereby allowed to adopt JDN.
- 2) The child name to change to FW.
- 3) The applicant is hereby appointed as legal guardian of the child FW.
- 4) The child is hereby presumed, a Kenyan citizen.
- 5) The Registrar General is hereby directed to make appropriate entry of FW in the Adopted Children's Register.

RULING DATED, SIGNED AND DELIVERED VIA ZOOM AT NAKURU THIS 4TH DAY OF NOVEMBER, 2021

.....

RACHEL NGETICH

JUDGE

In the presence of:

Jenifer - Court Assistant

Mr. Mucheru for applicant