



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NYERI

ADOPTION CAUSE NO. E001 OF 2021

IN THE MATTER OF THE CHILDRENS ACT NO.8 OF 2001

AND

THE CHILDREN (ADOPTION) REGULATIONS 2005

IN THE MATTER OF ADOPTION OF BABY HMM (CHILD)

AND

IN THE MATTER OF THE APPLICATION FOR ADOPTION BY MS. SWM

ORIGINATING SUMMONS

(under section 158 & 160 of the Children's Act No.8 of 2001)

RULING

1. The applicant herein **Ms. SWM** has filed an amended originating summons dated 27th October 2021 seeking for orders that:

1. That **SNG** be appointed as guardian ad litem herein.
2. That the Applicant **SWM** be authorized to adopt baby **HMM**
3. That the Honourable Court do adopt the parent's legal consent, as provided for in the Children Act, to relinquish their parental responsibility over the child.
4. That subsequent to order 2 above, the Honourable court be pleased to direct the Registrar-General to make an entry in the adopted Children Register in the prescribed form as per the attached schedule.

2. The application is supported by the applicant's amended statement in support of an application for adoption order dated 27th October 2021. The following documents have been filed in support of the application:

- (1) Report of the children's Officer, Karatina.
- (2) Certificate to declare a child free for adoption Serial No. xxxxx from the Change Trust Adoption Society.
- (3) Birth certificate of the subject child showing her date of birth as 27th January 2004, thus putting her aged at 17 years.
- (4) Consent letter by the subject child consenting to the adoption
- (5) Consent dated 18/2/2021 by the father to the child, **MM**, consenting to the adoption.
- (6) Consent dated 18th February 2021 by the mother to the child, **LWW**, consenting to the adoption.

(7) Report of the Children Officer Karatina on the suitability of the prospective adopter, the applicant in adopting the child.

(8) Statement of **SNG** the proposed guardian ad litem

3. The application for adoption is made pursuant to section 158 and 170 of the Children Act, 2001. I have considered the application. The applicant is a relative to the subject herein. I have interviewed the child and found that she has voluntarily consented to be adopted by the applicant. I have also interviewed her biological parents and confirmed that they have voluntarily consented to the adoption and do understand the important of giving out a child for adoption. The statement of the applicant indicates that she lives in Canada and works with [Particulars Withheld] as a teacher and Counsellor. She therefore has the financial capability to meet the needs of the child. From the documents filed. I am satisfied that the application has met all the legal requirements for local adoption as per the Children Act, 2001. I am further convinced that the adoption sought herein is in the best interests of the subject child.

4. In view of the foregoing the court makes the following orders.

(1) That **SNG** be and is hereby appointed as *guardian ad litem* of **HMM**.

(2) That the court does hereby make an adoption order for the applicant, **SWM** to adopt **HMM**.

(3) That the court does adopt the parents' legal consent as provided for in the children Act, to relinquish their parental responsibility over **HMM**.

(4) That upon the said adoption the child's name shall remain **HMM**.

(5) That the court directs the Registrar General to make an entry in the Adopted Children Register in the prescribed form.

DELIVERED, DATED AND SIGNED AT NYERI THIS DAY OF 9TH DECEMBER, 2021

JESSE NYAGAH NJAGI

JUDGE