



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

ADOPTION CAUSE NUMBER 16 OF 2018

IN THE MATTER OF RL.....MINOR

AND

BW

BDT APPLICANTS

JUDGMENT

The Application is brought by way of Originating Summons and is dated 16th October, 2018. The Applicants **BW** and **BDT** through their advocates, Wambua Musembi and Company Advocates seek the following orders:

1. Spent
2. Spent
3. **THAT** the applicants be authorized to adopt **RL**.
4. **THAT** the court be pleased to make any further orders it deems necessary.

The applicants are husband and wife. **BW** is a programme analyst by profession working with Vector Limited while **BDT** works as Development Programs Senior Lead with Auckland Council. They reside in Australia. **BW** has dual citizenship both in Kenya and New Zealand while **BDT** is a New Zealand citizen. They got married to one another on 16th April, 2006 at [Particulars withheld], New Street, Ponsonby, Auckland. They have been blessed with two (2) biological children of their own namely **RM** and **JD**. The applicants desire to adopt **RL**, a female child, since they need her to be their own daughter and also to take care of her.

RL was born on 11/05/2003 at Rumuruti in Laikipia West within Rift Valley Province to **RAL** (mother), now deceased. Prior to **RL** mother's demise she was unable to look after her and had left her in the custody of one **DWN** (**BW**'s sister), a good friend of hers who offered to take **RL** to school. **DWN** succumbed to breast cancer on 3/7/2017, the death certificate serial number [Particulars withheld] is available. **RL** was left in custody of **BW**'s mother who is aged and also due to financial constraints could not be able to bring up the child. **BW**'s mother also tried to adopt **RL** but was ineligible based on the adoption requirement for a person to be less than 65 years of age. **BW** and **BDT** thence decided to adopt her as it would be in the child's best interest and they did not have or know anybody from **RL**'s maternal home. The applicants signed a statement dated 16th October, 2018 declaring their willingness to adopt **RL**.

On the 15th November, 2018, the Court ordered the Director of Children's Services in the Ministry of Labour and Social Protection to conduct investigations as to the suitability of the applicants to adopt **RL**. One **RWN** of P. O. Box [xxx], GILGIL in the Republic of Kenya was appointed as Guardian *Ad Litem* of **RL**.

One David Osoro Omache, a personnel from the children's department, conducted a home visit and found **R** the grandmother and 2 grandchildren in the compound, **RL** and **L** the son of the late **D**. At the time the applicants were in Australia so he interviewed them on phone. **RL** also was in agreement to be adopted by the applicants. Clement N. Gisore, for County Children Officer, Nakuru County filed a favourable report to court dated 7/1/2019.

Upon reading the above report and satisfying myself that all the legal requirements have been adhered to, this Court is satisfied that the applicants are suitable persons to adopt **RL**. It is therefore ordered that:

1. **THAT** the applicants be and are hereby authorized to adopt RL.
2. **THAT** the Registrar General do make in the Adopted Children Register an entry recording the adoption in accordance with the particulars set out in the Schedule to this order.
3. **THAT** costs be in the cause.

Dated and Signed at Nakuru this 13th day of February, 2019.

A. K. NDUNG'U

JUDGE