



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MACHAKOS
ADOPTION CAUSE NO. 15 OF 2017
IN THE MATTER OF BABY SR
ON APPLICATION FOR AN ADOPTION ORDER

RULING

1. This application is brought by way of Originating Summons dated 22nd August, 2017. The Applicants **SKR and GMN** through their advocates Janet Jackson & Susan LLP Advocates seek the following orders:

1. **THAT** the requirements of Section 158(4) (a) of the Children's Act be waived as provided for by Section 159(I) of the Act.
2. **THAT** PL in the said Republic be appointed Guardian ad Litem in this case.
3. **THAT** the Applicant be authorized to adopt baby SR and the baby be known as AWS.
4. **THAT** LWN be appointed Legal Guardian of the child.
5. **THAT** the Director of Children's Department do investigate the case and file a report.
6. **THAT** it is directed that the Registrar-General shall make in the adopted Children's Register an entry recording the adoption in accordance with the particulars set out in the Schedule attached hereto.

2. In the preliminary stage, prayer 1, 2 and 5 were granted by the court.

3. The Applicants **SKR** and **GMN** are husband and wife aged 53 and 46 years respectively. S is a businessman whereas G is a nurse. The couple reside in Machakos County. They have been married to each other since 16.3.2002 and they have one biological daughter. They received the infant under their joint custody as from 2.9.2016 and fostered her since then.

4. **LWN** swore an affidavit dated 22nd August, 2017 to confirm consent to act as Legal Guardian and that she has no objection to the Applicants adopting Baby SR.

5. Baby **SR** was presumed to have been born on 23.2.2015 having been abandoned at an unknown house by someone who had gone to do laundry there. The matter was reported at Nakuru Police Station via OB/[particulars withheld]. The minor was referred to the African Gospel Church baby Centre for care and protection the same day and on 12th May, 2015 she was committed to the care of AGC Baby Centre through the Children's Court at Nakuru after committal issued via **P& C No. 200 of 2015**.

6. On 8th July, 2016, Baby SR was declared free for adoption by the Buckner Kenya Adoption Services vide certificate number 0106 issued on the same day and was placed in the care of the applicants from 2.9.2016 for mandatory bonding.

7. On 12th April, 2018 this Court directed the Director of Children Services Machakos to conduct investigations as to the suitability of the Applicants to adopt **Baby SR** and submit a report and findings to Court.

8. Emily Kimanzi is the Sub-County Children's Officer. She conducted a Social Inquiry on the Applicants by visiting and interrogating them at their home on an unknown date. It was observed that the Applicants had one child and their attempts to have another child did not bear fruit. They have the support of their extended family and their biological daughter is happy to have R as a new member of the family. They

have taken care of baby **SR** and bonded well with the said minor who seemed to have bonded well with them. They have built a house on an acre piece of land; her conclusion is that the applicants have demonstrated ability to maintain baby **SR**.

9. **On** 7th November, 2018, Japheth Katelo of Buckner Kenya appeared in court to recommend the applicants' application and to confirm the suitability of the applicants to adopt the minor. **LWN and PNL** appeared before me on 7.11.18 and 12.4.2018 respectively to confirm and rely on the contents of their affidavits and willingness to take up their duties as well as recommend the applicants to adopt baby **SR**. The applicants also appeared before me on 22.1.2019 and relied on their affidavits to support the application and indicated willingness to adopt the minor.

10. This court is satisfied that the Applicants are suitable persons to adopt Baby **SR** and that they are financially stable and have the means to provide and care for her. I find the application merited.

For the above reasons, the Court orders as follows;

1. **THAT the Applicants be and are hereby authorized to adopt baby SR and the baby be known as AWN.**
2. **THAT LWN be and is hereby appointed Legal Guardian of the minor.**
3. **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.**
4. **THAT the Guardian ad Litem is hereby discharged.**

Dated and delivered at Machakos this 18th day of June, 2019.

D.K. KEMEI

JUDGE