



**REPUBLIC OF KENYA**

**IN THE HIGH COURT AT NAKURU**

**ADOPTION CAUSE NO. 49 OF 2017**

**IN THE MATTER OF LW Also known as LLK....THE INFANT**

**AND**

**JFKK.....APPLICANT**

**RULING**

1. The applicant, by an Originating Summons dated 27<sup>th</sup> November 2017 sought an Order for the adoption of the minor **LW** also known as **LLK**, herein after referred to as the minor.

One **SMK** was on the 30<sup>th</sup> July 2018 appointed the minor's Guardian *Ad Litem* as well as the Legal Guardian of the said minor.

2. I have considered all the supporting documents filed with the application.

The applicant **JFKK** is a single woman who has no biological children. She is well educated, locally and internationally, and a career banker but now retired.

3. In her affidavit in support of the application, she depones that she has been fostering the minor from age 3 months up to date. She is now 18 years old. The minor has no objection to the adoption process being concluded, having consented to the adoption on the 27<sup>th</sup> November 2017.

4. The applicant is certified to be a fit and proper person to be granted custody of the minor and is financially capable and fit to take care of the minor's needs as well as give her a permanent home. She has a home of her own on a land parcel of approximately one acre where she has put up a five bedroomed residential house where the minor occupies her own self-contained bedroom as reported by the social worker who visited the premises.

5. I have confirmed from records filed that New Life Home Trust Children's Home to where the minor was placed for care and protection after being rescued from a pit latrine upon delivery that it has no objection to the application and a release order filed.

6. The minor was born on the 22<sup>nd</sup> January 2000. From the age of three (3) months, the applicant has taken full responsibility for the upkeep of the minor.

Under the Children's Act No. 8 of 2001 the child's welfare, care and protection are paramount. There is no better place than a home where a child may get these rights.

7. I am satisfied that the applicant meets all the pre-conditions to an order of adoption to be granted.

She confirms understanding of inheritance rights to the child and her full parental responsibility. Her extended family has accorded the child full support for the 18 years she has been a member of the family. No contrary intentions have been expressed.

8. For those reasons, and being minded that the child's best interests are paramount and the applicant having met all the legal requirements provided under **Part XII of the Children's Act**, I have no hesitation to grant to the applicant **JFKK** Orders stated in the originating summons that is, **Order 4, 5 and 6**.

9. To that end, and in view of the urgency expressed that the minor is scheduled to sit for her Form 4 examinations in about three months' time, I direct that the Registrar General take very urgent action to enter the Minor's names, **LLK** in the Adopted Childrens Register to facilitate the Registrar of Births and Deaths to issue the minor with a Birth Certificate in the shortest time possible.

It is so ordered.

**Delivered, Signed and Dated at Nakuru this 18<sup>th</sup> Day of July 2019.**

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**J.N. MULWA**

**JUDGE**