



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

ADOPTION CAUSE NUMBER 10 OF 2019

IN THE MATTER OF LDTL (MINOR)

AND

EKL.....APPLICANT

JUDGMENT

The application is brought by way of an Amended Originating Summons dated 1st July, 2019. **The Applicant EKL** through her advocates, Ndeda & Associates Advocates, seek the following orders;

1. Spent
2. **THAT** the consent of the biological mother of (MINOR) LDTL has been sought and granted.
3. **THAT** HW of Post Office Box Number [xxxx], Bahati in the Republic of Kenya be appointed Legal Guardian of the minor.
4. **THAT** the applicant be authorized to adopt (MINOR) LDTL.
5. **THAT** the Registrar-General do make the appropriate entries in the Adopted children's register in respect of (MINOR) LDTL.
6. **THAT** the court does issue such other orders as may be necessary in the best interest of the child.
7. **THAT** the costs be in the cause.

The Applicant **EKL** got married to **HUB** on 22nd July, 2011. Their marriage was solemnized at the Registrar's Office in Mombasa vide marriage certificate number [xxxx]. However the husband passed on 11th March, 2014 as evidenced by the death certificate registration number [xxxx]. The applicant is currently a resident of Germany but comes to Kenya oftenly. She is a saloonist by profession. Currently, she works with [Particulars withheld] and also gets pension from her late husband from [Particulars withheld]. She has only one biological child named JVM who is the mother of the minor herein **LDTL**. She desires to adopt (**Minor**) **LDTL**, her grandson, due to the love and affection she has for him.

Minor LDTL was born on 27th April, 2012 to JVM as per the birth certificate serial number [xxxx]. JVM conceived under the influence of alcohol when she met a person at a party and they ended up spending the night together and two (2) months later she discovered that she was pregnant. She was forced to drop out of school, [Particulars withheld] Girls High School in Bamburi in Mombasa County. Since then she never went back to school. The applicant **EKL** resorted to taking care of her together with **Minor LDTL**. The particulars of the **Minor LDTL**'s father and even his whereabouts are unknown up to date. The minor's mother resides at [Particulars withheld] within Nakuru County and it is the applicant who supports her together with the minor. **Minor LDTL** is a student at [Particulars withheld] Academy, the applicant pays his school fees. **Minor LDTL** is both physically and mentally fit as per the medical reports available.

That this being a kinship adoption a freeing certificate was not issued.

On 24th May, 2019, 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 applicant to adopt the (MINOR) LDTL and submit a report on his findings to court.

As a result of an initial interview on 3rd July, 2019 and a home visit on 5th July, 2019 by Salome Waithaka, a personnel from the children's department, where the applicants were interrogated on their fitness to adopt **Minor LDTL**, One Mwambi Mongare, the County Children's Coordinator, Nakuru County filed a favourable report dated 11th July, 2019.

This Court has had occasion to consider the application and the relevant reports filed. In the best interest of the child it is hereby ordered;

1. **THAT the consent of the biological mother of (MINOR) LDTL has been sought and granted.**
2. **THAT the applicant be and is hereby authorized to adopt (MINOR) LDTL.**
3. **THAT HW of Post Office Box Number [xxxx], Bahati in the Republic of Kenya be and is hereby appointed Legal Guardian of the minor.**
4. **THAT the Registrar-General do make the appropriate entries in the Adopted children's register in respect of (MINOR) LDTL.**
5. **THAT the costs be in the cause.**

Dated and Signed at Nakuru this 17th day of July, 2019.

A. K. NDUNG'U

JUDGE