



REPUBLIC OF KENYA

IN THE HIGH COURT

AT NAKURU

ADOPTION CAUSE NUMBER 1 OF 2019

IN THE MATTER OF THE CHILDREN'S ACT 2001 CAP 586, LAWS OF KENYA

IN THE MATTER OF BABY AA ALSO KNOWN AS TWK

NKN.....1ST APPLICANT

AND

NWN.....2ND APPLICANT

RULING

1. The Applicants NKN and MWN are a married couple and residents of Molo within Nakuru County. NKN is the biological father of one child namely JWK, 13 years old, sired out of marriage.

By an Originating Summons taken out on the 15th January 2019, they seek orders to be allowed to adopt the minor, Baby AA, to be known as TWK.

2. On the 22nd May 2019, the court granted prayers 1, 2 3, and 4 of the Originating Summons and appointed **TWN** the Guardian *Ad litem* to the minor.

3. I have considered the supporting documents filed with the application.

These are the affidavits of the proposed adoptive parents, child freeing summary from Kenya Children's Home dated the 21st February 2018, committal documents to the AGC Baby Centre at Molo the Social Enquiry Report dated 27th April 2017, placemen Form the certificate of declaring the child free for adoption, among others.

The prospective adoptive parents live at [particulars withheld] within Nakuru with their daughter stated above, JWK, a form one student at [particulars withheld] Secondary School who has confirmed her willingness to live and stay with the child to be adopted, who is now two years and eight months old.

4. The adoptive father is a businessman with a good income from rental houses and farming in their 4 Acre land at Molo. The prospective adoptive mother is also doing well in her personal businesses. They stay in their house they have built at [particulars withheld], which is stated to be well furnished and suitable for the children.

The proposed legal guardian to the child is **PNG**. The bigger family of the applicants are in support of the proposed adoption.

5. Both applicants understand and appreciate the responsibilities that come with an additional child into their lives. They understand the inheritance rights to the proposed child and are ready, financially and morally to shoulder the said responsibilities.

6. The County Children's Co-coordinator upon her visitation and observations confirm that the couple are fit to adopt the child and give her a permanent home which will be in the best interest of the child in accordance to **Part XII of the Children's Act**.

The child was freed for adoption by the Kenya Children's Home Adoption Society on the 21st February 2018 and the child has been under the care and protection of the applicants.

7. Under the Children's Act No. 8 of 2001, the child's welfare, care and protection are paramount. The applicants are willing to give these to the child.

8. I am satisfied that the applicants meet all the prerequisites to an order of adoption, having met all the legal requirements stated under the legal requirement stated under the Act.

Accordingly, the rest of the prayers in the originating summons are allowed. They are now allowed to and authorised to adopt Baby AA, to be known as TWK.

PNG is appointed the Legal Guardian of the baby, TWK.

Consequently, in line with Prayer 7, the Registrar General is directed to make an entry in the Adopted Children Registrar of the child to facilitate the Registrar of Births and Deaths to issue a Birth certificate for the child in her adopted names, **TWK**.

It is so ordered.

Delivered, Signed and Dated at Nakuru 8th Day of October, 2019.

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J.N. MULWA

JUDGE