



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

ADOPTION CAUSE NO. 22 OF 2017

IN THE MATTER OF E N.....CHILD

AND

N N M.....APPLICANT

JUDGMENT

By way of Originating Summons dated the 12th April, 2017, the Applicant **N N M** through her advocates, Simiyu Wekesa Advocates seeks the following orders:

1. Spent
2. Spent
3. **THAT** the Applicant be authorized to adopt **N E**.
4. **THAT** the Court be pleased to make any further orders it deems necessary.

The Applicant is single. She works for gain as a Train Station Coordinator at [particulars withheld] based in London. She has no biological child of her own. Her medical report reveals that she has no health complications though she has chosen to stay single. She desires to adopt the child **N E** as they are very close to each other and would like to provide her with better care and a chance for better education.

The child **N E** was born on 18th July, 1999 in Nakuru West Hospital. She was born to **M N M** and **A M N**. Her mother, **A M N** passed away on 7th August, 2005 in Nyandarua North District due to Cancer. Her father **M N M** is still alive. The Applicant is a sister to **M N M**. Since the death of her sister in law, **A M N**, the Applicant has been taking care of her niece **N E** and following closely on her performance in school. **N E**'s father **M N M** got a minor depression and was not stable enough to take care of his children. The child **N E** has been under the custody of her grandmother (mother to her father). The father of the child **N E** has consented to her younger sister **N N M** adopting the child. The child is in good health as per the medical records attached. Medical tests reveal that she is HIV negative.

The Applicant was taken through the explanatory memorandum for adopters by the CHANGE Trust organization and she confirmed having understood the same on the 27th December, 2016. The Applicant has had care and control of the child for more than three (3) months since 1st December, 2017. The CHANGE Trust organization further made a social inquiry and home study on the Applicant and filed a report dated 27th January, 2017 recommending the Applicant suitable to adopt **N E**. On 31st January, 2017 the case committee of the same organization in its sitting confirmed the child's availability for adoption and declared **N E** free for adoption. On the same day the case committee proceeded to issue A Certificate Declaring a Child Free For Adoption Serial No. [particulars withheld].

On the 13th July, 2017 the Court directed that the Director of Children's Services, County of Nakuru to make a report on the suitability of the Applicant to adopt **N E**. On the same date, **C W M** of **P. O. Box 643, NAKURU** was appointed as *Guardian ad litem* of the minor.

A home visit by Viola Yego from the Children's Department was made on the 27th July, 2017 where she conducted interviews on the Applicant. Mr. Mwambi Mongare, the County Children's Coordinator filed a favourable report dated 15th August, 2017 on the Applicant's fitness to adopt **N E**.

Upon reading the above report and considering that this is a Kinship adoption and the Applicant has fulfilled all the legal requirements as per the Children Act, this Court is satisfied that the Applicant is suitable to adopt **N E**. It is therefore ordered:

1. **THAT** the Applicant be and is hereby authorized to adopt **N E**.

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 Kisii this 10th day of May, 2018.

A. K. NDUNG'U

JUDGE