



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

ADOPTION CAUSE NO. 20 OF 2017

IN THE MATTER OF C W.....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 seek the following orders:

1. Spent
2. Spent
3. **THAT** the Applicant be authorized to adopt **C W**.
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] Company based in London. She has never been married although she once had a relationship from year 2009 to 2011 and they fell apart because she could not get children. Her medical report reveals that she has no health complications though she has chosen to stay single. She desires to adopt the child **C W** who happens to be her niece as they are very close to each other and would like to provide her with better opportunities for education in London.

The child **C W** was born on 16th July, 2004 in Nairobi to **C N K** and **C W M**. Both her biological parents are alive. The child's father is a farmer in Kikuyu while the mother is a student at [particulars withheld] University, pursuing a nursing course. The child currently resides in Kikuyu with her parents and other siblings. The parents have both agreed for their daughter to be adopted by their maternal aunt (sister to mother) **MISS N N M**, the Applicant. The Applicant spends about two thirds of her year in London and a third at her family house in Nakuru Kenya. The child **C W** visits her auntie **N** wherever she comes to Kenya. The child is in good health as per the medical records attached.

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 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 **C W**. On 31st January, the case committee of the same organization in its sitting issued a Certificate Declaring a Child Free For Adoption Serial No. [particulars withheld] dated the same day.

On the 13th July, 2017 the Court directed that the Director of Children's Services, Ministry of Gender, Children and Social Development do investigate the Applicant's fitness to adopt **C W** and file a report. On the same date, **C W M P. O. Box 643, NAKURU** was appointed as *Guardian ad litem* of the minor.

A home visit by the 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 **C W**.

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 **C W**. It is therefore ordered:

1. **THAT** the Applicant be and is hereby authorized to adopt **C W**.

2. **THAT** the Registrar -General do make the appropriate entries in the Adopted Children's Register in respect of **C W**.

3. **THAT** costs be in the cause.

Dated and Signed at Kisii this 8th day of May, 2018.

A. K. NDUNG'U

JUDGE