



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

ADOPTION CAUSE NO. 21 OF 2017

IN THE MATTER OF M WCHILD

AND

N N MAPPLICANT

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 **M 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 [particulars withheld] 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 **M 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 **M W** was born on 1st May, 2004 in Nakuru 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. Since the death of his wife, he got a minor depression and is not able to take care of the child. The child resides with her grandmother (mother to the father). The Applicant visits three times a year and the child is fond of her, describes her as life mentor, a motivator especially in school and would be happy to spend the rest of her life with her Aunt, **N**, the Applicant. The father agrees for the Applicant to adopt **M W**, child. 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 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 **M W**. On 31st January, 2017 the case committee of the same organization in its sitting confirmed the child's availability for adoption and declared **M W** 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 **M W**. 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 **M W**.

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

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

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

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

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

A. K. NDUNG'U

JUDGE