



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NYERI

ADOPTION CAUSE NO. 18 OF 2015 (OS)

IN THE MATTER OF BABY R R alias M R (CHILD)

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION ORDER BY

D M M & I W M

AND

IN THE MATTER OF THE CHILDREN'S ACT

RULING

1. The application is brought by way of an Originating Summons and is dated the 10th day of November, 2015. The applicants seek the following Orders;

- (a) That **J M M** be appointed as guardian ad litem herein;
- (b) That the applicants **D M M & I W M** be authorized to adopt baby **R R alias M R**;
- (c) That the Honorable Court do adopt the parents legal consent over the child;

2. The baby was born on the 10th June, 2016 and the baby's biological father and mother are known and they have both consented and freely surrendered their child for adoption by appending their signatures to the Consent to Adoption Form on the 24th day of September, 2014; and have thereby disclaimed all their rights over the child;

3. Under the **Protection and Care Case No.158 of 2014** the Children's Court at Nairobi committed baby **RR alias MR** to the institution known as **New Life Kilimani** Children's Home for a period of three (3) months for protection and care and he was declared free for adoption under Section 156(1) of the Children's Act and a Certificate Serial Number **[particulars withheld]** was issued by the Little Angels Network.

4. The Guardian Ad Litem **J M M** was appointed on the **20th March, 2017** and the Nyeri County Director of Children's Services after visiting and interrogating the applicants filed a favorable Social Enquiry Report in court on the **20th March, 2017** on the applicants' suitability to adopt baby **R R alias M R**.

5. After reading and taking into consideration the contents of this report and satisfying myself that all the legal requirements had been adhered it is noted that; the applicants are married and legalized their marriage on the 1st November, 2007 at the PCEA Church [name withheld] Church; at the time of filing this application **D M M** was aged 45 years & **I W M** was aged 45 years; and therefore both their ages fall within the prescribed legal parameters; they have no other children and are desirous of adopting baby **R R alias M R**;

6. The Certificates of Good Conduct are current and valid and this court is satisfied that there are no adverse circumstances discernible from the applicant's families or any individual characteristics or lifestyle that would be detrimental to the baby;

7. **DMM** is a lecturer at [name withheld] University and **IWM** is a graduate teacher employed by the Teachers Service Commission and both reside and work in Nyeri County; they have annexed their payslips and bank statements which establish their financial standing and suitability; which demonstrates that the applicants are capable of providing the baby with the necessary care;

8. Also upon observing the applicants with the child at the court session this court noted the existence of an emotional bonding between the child and the applicants which must have grown since the child was placed in the applicant's care; the child appears to be happy, healthy and well taken care of.

9. For the reasons stated above this court is satisfied that the applicants are suitable persons to adopt Baby **R R alias M R**; and that they have the resources to provide and take care of baby **RR alias MR**; and that the order for adoption will be in the best interest of the baby.

DETERMINATION

10. The application for adoption is hereby allowed;

11. The applicants are hereby allowed to adopt baby **R R alias M R**; he shall be known as **S M M**.

12. The Registrar General is hereby directed to enter this adoption order in the Adoption Register; the Registrar Births and Deaths is hereby directed to issue a Certificate of Birth in the name **S M M**.

13. The Guardian ad Litem is hereby discharged and is hereby appointed as Legal Guardian until baby **S M M** attains the age of majority of eighteen (18) years.

Orders Accordingly.

Dated, Signed and Delivered at Nyeri this 19TH day of July, 2018.

HON.A.MSHILA

JUDGE