



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NYERI

ADOPTION CAUSE NO. 1 OF 2017 (OS)

IN THE MATTER OF BABY N N alias A M M (CHILD)

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION ORDER BY

S M & A W (APPLICANTS)

RULING

1. The application is brought by way of an Originating Summons and is dated the 2nd day of August, 2017. The applicant seeks the following Orders;

- (a) That **J W A and A S M** be appointed as guardians ad litem herein;
- (b) That the applicants **S M & A W** be authorized to adopt baby **N N alias A M M**;
- (c) That the Honorable Court do adopt the parents legal consent over the child;

2. The baby was born on the 19th December, 2015 and the baby's biological mother is known and she consented and freely surrendered her child for adoption by appending her signature to the Consent to Adoption Form on the 12th day of October, 2016; and thereby disclaimed all her rights over the child;

3. Vide **Protection and Care Case No.277 of 2015** the Children's Court at Nyahururu committed baby **N N alias A M M** to the institution known as **NEST Children's Home** for a period of six (6) months for protection and care and she 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 two Guardians Ad Litem **J W & A M** were appointed on the **23th October, 2017** and the Nyeri County Director of Children's Services after visiting and interrogating the applicant filed a favorable Social Enquiry Report in court on the **16th October, 2017** on the applicants' suitability to adopt baby **N N alias A M M**.

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 13th May, 2016 at the Attorney General's Chambers; at the time of filing this application **S M** was aged 35 years & **AW** was aged 31 years; and therefore both their ages fall within the prescribed legal parameters; they have no other children and is desirous of adopting baby **N N alias A M M**;

6. The Certificate of Good Conduct is 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. The applicants are in business in Nyeri and she have annexed their bank statements which establish their financial standing and suitability; which further demonstrates that the applicants are capable of providing the baby with the necessary care;

8. Also upon observing the applicants with the child at several court sessions this court noted the existence of an emotional bonding which must have grown since the child was placed in the applicants 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 **N N alias A M M**; and that they have the resources to provide and take care of baby **N N alias A M M**; 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 applicant is hereby allowed to adopt baby **N N alias A M M** ; she shall be known as **A 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 **N N alias A M M**.

13. The Guardians ad Litem are hereby discharged and are hereby appointed as Legal Guardian until baby **N N alias A M M** attains the age of majority of eighteen (18) years.

Orders Accordingly.

Dated, Signed and Delivered at Nyeri this 12th day of July, 2018

HON.A.MSHILA

JUDGE