



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NYERI

ADOPTION CAUSE NO. 2 OF 2015 (OS)

IN THE MATTER OF G W (CHILD)

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION ORDER BY

A W N

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 4th day of March, 2016. The applicants seek the following Orders;

(a) That **M W N** be appointed as guardian ad litem herein;

(b) That the applicant **A W N** be authorized to adopt baby **G W**;

(c) That the Honorable Court do dispense with the mother's consent as she abandoned the child;

2. The baby was born on the 27th October, 2013; the baby's biological mother visited Fatima Maternity Hospital seeking medical attention and absconded and abandoned the baby thereat; the baby was referred to Kenyatta National Hospital and the matter reported at Kenyatta National Police Post vide OB. xxxx; efforts to trace the birth mother and/or her relatives proved to be futile; it is highly probable that the biological mother abandoned the child as she was incapable of providing for the child's basic needs; this court will therefore exercise its discretion and dispense with the consent of the biological mother;

3. Under the **Protection and Care Case No. 136 of 2014** the Children's Court at Nairobi committed baby **G W** to the institution known as **Hope House Babies 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 xxxx was issued by the Little Angels Network.

4. The Guardian Ad Litem **M W N** was appointed on the **8th February, 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 **1st March, 2017** on the applicants' suitability to adopt baby **G M W W**;

5. After reading and taking into consideration the contents of this report and satisfying myself that all the legal requirements had been adhered notably; that the applicant is un-married; at the time of filing this application **A W N** was aged 40 years; and therefore her age falls within the prescribed legal parameters; the applicant disclosed that she had initially tried to get her own biological child but had been unsuccessful and had therefore decided to go for adoption; that as the process of adoption of **G M W W** was ongoing she successfully conceived and got a biological child; and she states that the two (2) children are equal and that she will treat them as such;

6. **A W N** is a clinical officer employed by the County Government of [particulars withheld] and resides and works in Kitui County; she has annexed her pay-slip and bank statements which establishes her financial standing and suitability; these documents demonstrate that the applicant is capable of providing the baby with the necessary care and support;

7. The child has been under the care of the applicant since she was aged nine (9) months and upon observing the applicant with the child at the court session this court noted the existence of a strong emotional bonding between the child and the applicant 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.

8. 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 family or any individual characteristics or lifestyle that would be detrimental to the baby;

9. For the reasons stated above this court is satisfied that the applicant is a suitable person to adopt Baby **G W**; that she has the resources to provide and take care of baby **G W**; 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 **G W**; she shall be known as **G M W W**.

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 **G M W W**.

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

Orders Accordingly.

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

HON.A.MSHILA

JUDGE