



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NYERI

ADOPTION CAUSE NO. 3 OF 2014 (OS)

IN THE MATTER OF OM alias AB alias JN (CHILD)

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION ORDER BY

AWM

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 14th day of January, 2014. The applicant seeks the following Orders;

(a) That **SWK** be appointed as guardian ad litem herein;

(b) That the applicant **AWM** be authorized to adopt baby **OM alias AB alias JN**;

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

2. The baby who is male was born on the 24th July, 2012 and was abandoned by his biological mother upon or after delivery at the Nyeri Provincial General Hospital; efforts to trace the biological mother proved to be futile but the baby's maternal grandmother was traced and she confirmed that it would be impossible to trace the birth mother and also intimated that the biological mother abandoned the child as she was incapable of providing for the child's basic needs; the grandmother therefore stepped in and gave her consent for the baby to be adopted as she too was incapable of providing for him; the same notwithstanding this court will still exercise its discretion and dispense with the consent of the biological mother;

3. The baby was admitted to the New Life Home Trust Nyeri for care and protection whilst awaiting committal; under the **Protection and Care Case No. 122 of 2012** the Children's Court at Nyeri committed baby **OM alias AB alias JN** to the institution known as **New Life Home Trust** for a period of three (3) years for protection and care and on the 10/04/2013 he was declared free for adoption under Section 156(1) of the Children's Act and a Certificate Serial Number xxxxxx was issued by the Little Angels Network.

4. The Guardian Ad Litem **SWK** was appointed on the 4th May, 2017 and after visiting and interrogating the applicant's the Nyeri County Director of Children's Services filed a favorable Social Enquiry Report dated the 30/08/2017 and filed in court on the 7th September, 2017 on the applicants' suitability to adopt baby **OM alias AB alias JN**;

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 unmarried; at the time of filing this application **AWM** was aged 51 years; and therefore her age falls within the prescribed legal parameters; the applicant disclosed that she had a biological daughter now aged twelve (12) years and that she had a long standing desire of taking care of a needy child who needed a home; she also wanted to give her daughter a sibling through adoption; and she stated that the two (2) children have a cordial relationship of a sister – brother;

6. **AWM** is a Librarian employed by the [particulars withheld] and resides and works in [particulars withheld] County; she has annexed her pay-slip and bank statements which establish 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 he was aged eleven (11) 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 **OM alias AB alias JN**; that she has the resources to provide and take care of **OM alias AB alias JN**; 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 **OM alias AB alias JN**; he shall be known as **OM**.

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 **OM**.

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

Orders Accordingly.

Dated, Signed and Delivered at Nyeri this 15th day of November, 2018.

HON.A.MSHILA

JUDGE