



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NYERI

ADOPTION CAUSE NO. 9 OF 2014

IN THE MATTER OF BABY WN a.k.a MKW.....INFANT

AND

J G W

I N N..... APPLICANTS

RULING

1. The application is brought by way of an Originating Summons and is dated the **19th day of May, 2014**. The applicants seek the following Orders;
 - a. That **A N N** be appointed as guardian ad litem herein;
 - b. That the applicants **J G W** and **I N N** be authorized to adopt baby **MKW**;
 - c. That the Honourable Court dispense with the mothers' consent who abandoned the child.
2. The baby **MKW** at age four (4) months was found abandoned on the **11th January, 2009** at [particulars withheld] Kiambu and was rescued by a Good Samaritan and taken to Kiambu District Hospital and the matter was then reported to Kiambu Police Station and booked in the Occurrence Book as Entry No. [particulars withheld] .
3. On the **4th March, 2009** at the **MKW** Court at Kiambu the baby **MKW** was committed to the institution under Care and Protection Order Number **19/2009** and he was declared free for adoption under section **156 (1)** of the Children's Act and a freeing Certificate Serial Number [particulars withheld] was issued by the Child Welfare Society of Kenya.
4. The Guardian Ad Litem **A N N** was appointed on the **22/07/2014** and the County Director of Children's Services after visiting and interrogating the applicants filed a favourable report in court on the **5/09/14** on the applicants suitability to adopt baby **MKW**.
5. After reading and taking into consideration the contents of this report and satisfying myself that all the legal requirements had been adhered to that is ; the applicants were married under Kikuyu Customary Law in **1981** and solemnised their Marriage in Church in **1986**; their ages being **59** and **56** respectively therefore their ages are within the prescribed parameters; their Certificates of Good Conduct are current and valid; and that their Bank Statement reflect that they are also financially stable and have the resources to provide and care for him; Consent to the adoption obtained from their adult biological son **T N** is annexed to the application.

6. Upon observing the applicants with the child at the hearing hereof I noted that there was an emotional bonding between them; the child also appears healthy and well taken care of.
7. For the reasons stated above this court is satisfied and finds that the applicants are suitable persons to adopt Baby **MKW**; and that they have the resources to provide and care for him.

DETERMINATION

8. The application for the adoption of baby **MKW** is hereby allowed; the applicants are hereby allowed to adopt baby **MKW**; he shall be known as **MKW**.

9. 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 **MKW**.

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

Orders Accordingly.

Dated, Signed and Delivered at Nyeri this 7th day of April, 2016.

A.MSHILA

JUDGE