



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NANYUKI

ADOPTION CAUSE NO 2 OF 2021 (O.S.)

IN THE MATTER OF AN APPLICATION FOR AN ADOPTION ORDER

AND

IN THE MATTER OF BABY CA (alias UNKOWN BABY alias ABANDONED BABY GIRL alias ABANDONED BABY)

1. JKK

2. AEC.....APPLICANTS

J U D G M E N T

1. The Applicants herein, **JKK** and **AEC**, have applied by amended originating summons dated 15/12/2021 (the original summons is dated 26/07/2021) for an adoption order in respect to the Child known as **BABY CA (alias UNKOWN BABY alias ABANDONED BABY GIRL alias ABANDONED BABY)**. Other consequential orders are also sought, including the order that if the adoption order sought is granted, the Child be henceforth known as **CAWK**

2. The Applicants were married on 23rd January 2020 and are currently resident and working for gain in Kenya. The 1st Applicant is a Kenyan citizen born on 19/06/1980, while the 2nd Applicant is an American citizen born on 15/11/1985. The couple has one biological child, **HIK**, born on 08/01/2021.

3. The Child sought to be adopted was found abandoned and rescued on 23/03/2017 within Nanyuki Town. She was then about one day old. Shortly thereafter the Child was placed in the care and control of the 2nd Applicant. On 08/10/2018 the 2nd Applicant was formally appointed Legal Guardian of the Child vide *Nanyuki Children's Court Guardianship Application No. 9 of 2018*. After their marriage the Applicants were appointed joint Legal Guardians of the Child on 16/07/2020 by the same court in the same proceedings.

4. Nobody has ever come forward to claim the Child who was declared free for adoption by a certificate dated 07/05/2021.

5. Upon perusal of all the material placed before the court, I am satisfied that all legal requirements for the adoption order sought have been met. I have also read all the necessary reports filed herein, including –

(i) Report dated 09/12/2021 by the *Director Children's Services, Laikipia County*.

(ii) Report dated 07/05/2021 by the *Adoption Society, Change Trust*

(iii) Report dated 21/01/2022 by the *Guardian ad litem, MSWM*.

They are all favourable to the adoption order sought for.

6. Finally, I am satisfied that the Applicants are financially and materially capable of giving a good and proper upbringing to the Child, and are already providing her with a conducive and loving home. The adoption order sought is in the best interest of the welfare of the Child.

7. I will in the circumstances grant the adoption order sought. The child shall henceforth be known as **BEWK**. The Child having been born in Kenya, is obviously a Kenyan citizen, presumed to have been born on 25/02/2015 at Nanyuki within Laikipia County. The Registrar-General is hereby directed to enter this adoption order in the *Adopted Children's Register*. It is so ordered.

8. The order sought in respect to issuance of a Kenyan Passport to the Child cannot be properly made in the present proceedings.

9. It is to be noted that this court has today also granted another adoption order to the same Applicants in respect to another child vide

Nanyuki HC Adoption Cause No. 3 of 2021.

DATED AND SIGNED AT NANYUKI THIS 30TH DAY OF MARCH 2022

H P G WAWERU

JUDGE

DELIVERED AT NANYUKI THIS 31ST DAY OF MARCH 2022