



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

ADOPTION CAUSE NUMBER 3 OF 2018

IN THE MATTER OF BABY H C AKA W N K.....MINOR

AND

DKN 1ST APPLICANT

LWW.....2ND APPLICANT

JUDGMENT

The Application is brought by way of Originating Summons and is dated 11th April, 2018. The Applicants DKN and LWW through their advocates, Karen Wanderi & Company Advocates seek the following orders:

1. Spent

2. Spent

3. Spent

4. Spent

5. THAT the Applicants be authorized to adopt BABY HC to be known as WNK.

6. THAT P K N of Post Office Box Number 677, NAKURU in the Republic of Kenya be appointed Legal Guardian of the minor.

7. THAT it is directed that the Registrar General shall make in the Adopted Children Register an entry recording the adoption in accordance with the particulars set out in the Schedule to this order.

8. THAT the Registrar of Births and Deaths be and hereby directed to issue the child with a certificate of birth in the name of W N K.

The applicants are husband and wife. The 1st Applicant is a [Particulars withheld] Church in Nakuru while the 2nd Applicant is [particulars withheld] International. They are residents of Freehold Estate in Nakuru County. The applicants solemnized their marriage in the Deliverance Church Nakuru on 9th March, 2002 under the **Marriage Act, 2014** and a certificate of marriage serial number xxxx was issued.

The applicants have never been blessed with a biological child of their own due to health complications of the 1st applicant. They thus desire to adopt baby **HC a.k.a. WNK** since they like to give a needy child a home, parental love, attention and affection as a way of service to humanity and to God.

Baby **HC a.k.a. WNK** was presumably born on 19th October, 2014. He was found abandoned at Workers Estate in Nakuru County. The matter was reported at the Nakuru Police station and booked vide occurrence book number 6/19/1/15. Nakuru Police Station referred the baby to Africa Gospel Church Baby Centre where he was admitted on the same date. His age was estimated to be three (3) months upon admission at the home. He weighed 5.9 kilograms and his length on admission was 59 centimeters. He was in fair general condition.

On 30th January 2015, baby **HC a.k.a. WNK** was committed to the care of the Africa Gospel Church Baby Centre through the **Nakuru**

Children's Court vide Protection and Care Case Number 30 of 2015.

On 2nd September, 2015 the Nakuru Police Station confirmed that nobody had claimed the child since he was abandoned and efforts to search his kin has been fruitless. The Africa Gospel Church Baby Centre also reported that during baby **HC a.k.a. WNK**'s stay in the institution no relative had turned up to claim him.

Buckner Kenya Adoption Services have verified all the information provided and are satisfied that the information provided relates to the child herein. The case committee of Buckner Kenya Adoption Services deliberated and certified that baby **HC a.k.a. WNK** is available for adoption and further that the adoption would be in the best interest of the child. A certificate to Declare the Child Free For Adoption Number 0113 was issued on 8th July, 2016.

The Applicants **DKN** and **LWW** had approached the Kenya Children's Homes Adoption Society on the 23rd September, 2016 with an intention of being ratified for placement with a male child with a view to legally adopt. They were taken through the adoption process and its implications to which they consented. The society assessed the applicants suitability to adopt or otherwise at their Freehold Nakuru Residence on 11th May 2017. They were approved to be suitable potential adoptive parents by the society's case committee sitting on 21st June, 2017. They were subsequently placed with the minor herein baby **HC a.k.a. WNK** of Africa Gospel Church Baby Centre – Nakuru on 7th July, 2017 after successful bonding at the said home.

On the 17th September, 2018 the Court ordered the Director of Children's Services in the Ministry of Labour and Social Protection to conduct investigations as to the suitability of the applicants to adopt baby **HC a.k.a. WNK** One **P K N** of P. O. Box 677, NAKURU was appointed as Guardian *Ad Litem* of baby **HC a.k.a. WNK**. The consent of the biological parents of baby **HC a.k.a. WNK** was also dispensed with and the minor was presumed a Kenyan citizen.

Salome W. Waithaka, a personnel from the children's department conducted interviews on the applicants on 25/9/2018 and also visited their home on 28/9/2018 to interrogate them on their suitability to adopt baby **HC a.k.a. WNK**. Mr. Mwambi Mongare the Nakuru County Children's Coordinator filed a favourable report dated 22nd November, 2018.

Upon reading the above report and satisfying myself that all the legal requirements have been adhered to, this Court is satisfied that the Applicants are suitable persons to adopt Baby **HC a.k.a. WNK** and that they are also financially stable and have the means to provide and care for her.

For the above reasons, the Court hereby orders as follows:

- 1. THAT the Applicants be and are hereby authorized to adopt BABY HC to be known as WNK.**
- 2. THAT KN of Post Office Box Number 677, NAKURU in the Republic of Kenya be and is hereby appointed Legal Guardian of the minor.**
- 3. THAT the Registrar General do make in the Adopted Children Register an entry recording the adoption in accordance with the particulars set out in the Schedule to this order.**
- 4. THAT the Registrar of Births and Deaths be and is hereby directed to issue the child with a certificate of birth in the name of WNK.**
- 5. THAT costs be in the cause.**

Dated and Signed at Nakuru this 24th day of January, 2019.

A. K. NDUNG'U

JUDGE