



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

ADOPTION CAUSE NUMBER 2 OF 2015

IN THE MATTER OF BABY AO a.k.a. CK.....MINOR

AND

MCK.....APPLICANT

JUDGMENT

The application is brought by way of Originating Summons and is dated 15th January, 2015. The applicant MCK through her advocates, J. M. Rioba & Rioba Company Advocates seek the following orders:

1. Spent

2. Spent

3. Spent

4. THAT the child having been found abandoned within Nakuru County in Kenya, the court be pleased to presume him a Kenyan Citizen.

5. THAT the applicant be authorized to adopt and the child be henceforth called CK.

6. THAT the Registrar-General do make the appropriate entries in the adopted children's register in respect of AND further the Registrar of Births and Deaths do issue a Birth certificate for the minor.

7. THAT the court does issue such other orders as may be necessary in the best interest of the child.

8. THAT the costs be in the cause.

The applicant, MCK is a single mother, a widow, having lost her husband, PKK, in the year 2003. The death certificate serial number B. No. [xxxx] is availed. The applicant does both subsistence and commercial farming. Before her husband's demise, the couple had been blessed with four daughters namely MC, CN, MC and CC but had no son. The applicant wishes to have a son hence the desire to adopt **baby AO a.k.a. CK**. The applicant made an application to the Kenya Children's Home Adoption Society on the 10th November, 2011 requesting to adopt a male child. All her four daughters have given consent to the intended adoption as is revealed in their consent letters available.

Baby AO a.k.a. CK was presumably born on 20th April, 2011. The baby was abandoned in the hands of a woman within [Particulars Withheld] area when the mother claimed that she wanted to go for a call of nature then disappeared and never came back. The good samaritan reported the matter to the police at Kaptembwa who then referred the matter at Nakuru Central Police Station for further assistance. **Baby AO a.k.a. CK** was sheltered at African Gospel Church Baby Centre from Nakuru Central Police Station as he needed immediate care and protection. He was admitted to the home on the 23rd April, 2011 as per the admission form available. The matter was later reported at Nakuru Police Station and recorded vide Occurrence Book Number 27/23/04/2011. **Baby AO a.k.a. CK** was committed to African Gospel Church Baby Centre at Nakuru Children's Court for Care and Protection on 26th April, 2011 vide Protection and Care Case Number 386/2011.

Baby AO a.k.a. CK medical reports available indicate that he is HIV negative. The home ensured that the child's immunization schedule is followed as per the Kenya Expanded Programme on Immunizations Guidelines.

Vide a letter dated 7th February, 2012, the Nakuru Police Station asserted that no one has claimed the child up to date and efforts to trace the relatives of the child have been futile. **Baby AO a.k.a. CK** was freed by the Kenya Children's Home Adoption Case Committee on its sitting of 13th March, 2012 and a Certificate of Declaring a Child Free For Adoption serial number [xxx] was issued.

The applicant was placed with **Baby AO a.k.a. CK** on the 14th August, 2012.

The applicant was taken through the adoption process and its implications to which she consented. She confirmed having understood the memorandum headed "Explanatory Memorandum for Adopters" by signing the Certificate of Acknowledgement on 5th November, 2011.

On 13th June, 2016 the Court ordered the Director of Children's Services in the Ministry of Gender, Children and Social Development to conduct investigations as to the suitability of the applicant to adopt baby **AO a.k.a. CK** One **CKK** of identity card number [xxxx] and of P. O. Box [xx], AMALO was appointed as Guardian *Ad Litem* of baby **AO a.k.a. CK**. The consent of the biological parents of baby **AO a.k.a. CK** was also dispensed with.

Julius Morumbi Ngoko, the Sub-County Children's Officer, Narok North, filed a favourable social inquiry report in Court dated 7th June, 2017 on the applicant's suitability to adopt.

Upon reading the above report and satisfying myself that all the legal requirements have been adhered to, this Court is satisfied that the applicant is suitable to adopt and that she is also financially stable and have the means to provide and care for him.

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

1. **THAT the child be and is hereby presumed a Kenyan Citizen having been found abandoned within Nakuru County in Kenya.**
2. **THAT the applicant be and is hereby authorized to adopt and the child be henceforth called CK.**
3. **THAT the Registrar-General be and is hereby directed to make the appropriate entries in the adopted children's register in respect of CK and further the Registrar of Births and Deaths do issue a Birth certificate for the minor.**
4. **THAT the costs be in the cause.**

Dated and Signed at Nakuru this 27th day of February, 2019.

A. K. NDUNG'U

JUDGE