



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU
ADOPTION CAUSE NO 40 OF 2017
IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY KP
AND
RN.....APPLICANT

JUDGMENT

The application is brought by way of Originating Summons and is dated the 4th October, 2017. The applicant, **RN** through her advocate, Obura Mbeche & Company Advocates seek the following orders;

1. Spent
2. Spent
3. **THAT the consent of the biological parent of BABY KP be dispensed with since the subject was abandoned so soon after birth.**
4. **THAT the applicants be and are hereby authorized to adopt BABY KP and the subject's name to remain the same.**
5. **THAT the Registrar-General do make the appropriate entries in the adopted children's register in respect of KP.**
6. **THAT the court does issue such other orders as may be necessary in the best interest of the child.**
7. **THAT costs be in the cause.**

RN is single. She resides within Nakuru East area in Nakuru County. She is a clinical officer by profession currently working at [particulars withheld]. She has never been married but was in a relationship with a man who later travelled to the United States. Prior to his travel they had tried to have a baby several times but **RN** could not conceive due to medical complications. She desires to adopt baby **KP**, a female child, in order that she can call her own, give motherly love, and also that baby **KP** can be heir to her properties.

Baby **KP** was born on 12th September, 2015 at Thika Level 5 Hospital and later abandoned at the post-natal ward on the same day. The matter was reported at Thika Police Station on 22nd September, 2015 and it was recorded vide Occurrence Book Number [particulars withheld]. The same was brought to the attention of the Thika District Children's Officer on 24th September, 2015. The officer sought a vacancy at New Life Home Trust-Kilimani and baby **KP** was admitted on the same day. Baby **KP** was officially committed to the same institution by the Children's Court at Thika vide Children's Case Number 268 of 2015 on 24th September, 2015. A final police letter dated 13th July, 2016 confirmed that their investigations to trace baby **KP**'s parents were futile. The New Life Home Trust-Kilimani also confirmed that no parent or relative had turned up to claim baby **KP** and neither had they received reports from the children office or police departments.

RN made the adoption application to Buckner Kenya Adoption Services on 1st April, 2016 in which she applied to be placed with a baby girl aged between six months to one year. **RN** was taken through the Explanatory Memorandum of Adopters by the Buckner Kenya Adoption Services which she confirmed having understood and appended her signature on the Certificate of Acknowledgement dated 2nd April, 2016. Buckner Kenya Adoption Services in their committee's sitting on 8th July, 2016 approved **RN** to be a suitable person to adopt baby **KP**. She was placed with baby **KP** on 9th September, 2016.

On 27th July, 2016, 2014 the KKPI Adoption Society Case Committee on its sitting declared baby **KP** free for adoption and issued a Freeing Certificate Serial number 530 pursuant to **Section 156(1)** of the **Children's Act 2001**.

The medical reports available shows that baby **KP** health status is good. Her HIV status is negative.

On 18th July, 2018, the Court ordered the Director of Children's Services in the Ministry of Labour and Social Protection to investigate the Applicant's fitness to adopt baby **KP**. One HWM of P.O. Box [particulars withheld] NAKURU was appointed as *Guardian Ad Litem* of baby **KP**.

Maureen Omondi, a personnel from the Children's Department Nakuru conducted an initial interview on the applicant on 7th August, 2018 and later on 8th August, 2018 visited the applicant at her residence in Kiti area and interrogated her on her fitness to adopt baby **KP**. Mr. Mwambi Mongare, the County Children's Coordinator Nakuru filed a report in court dated 30th August, 2018 on the applicant's suitability to adopt baby **KP**.

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 baby **KP**.

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

- 1. THAT the consent of the biological parents of BABY KP be and is hereby dispensed with since the subject was abandoned so soon after birth.**
- 2. THAT the applicant be and is hereby authorized to adopt BABY KP and the subject's name to remain the same.**
- 3. THAT JNN and his wife MMT be and are hereby appointed as the legal guardians of BABY KP.**
- 4. THAT the Registrar-General do make the appropriate entries in the adopted children's register in respect of KP.**
- 5. THAT costs be in the cause.**

Dated and Signed at Nakuru this 30th day of April, 2019.

A. K. NDUNG'U

JUDGE