



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU
ADOPTION CAUSE NUMBER 21 OF 2010

IN THE MATTER OF M D a.k.a

P K K.....INFANT

AND

J K K

L W K.....APPLICANTS

RULING

The Application is brought by way of Originating Summons and is dated the 17th November, 2010. The Applicants JKK and LWK seek the following orders:

1. Spent

2. Spent

3. **THAT** the Applicants be authorized to adopt Baby **M D** to be known as **P K K**.

4. **THAT** the Registrar of Births and Deaths do register the child as an adopted child and issue a Certificate of Birth in the name of **P K K**.

5. **THAT** costs be borne by the Applicants

The applicants are husband and wife. They do both crop and dairy farming for their daily upkeep. They got married in 1996 under the Kikuyu Customary Law and had their marriage solemnized under the African Christian Marriage and Divorce Act (CAP 151) at P.C.E.A. Baraka Church in Nyandarua District on the 3rd January, 2009 where they were issued with a Certificate of Marriage serial No.xxxxx.

They have never been blessed with a biological child of their own due to health complication hence the desire to adopt baby **MD a.k.a PKK** who was placed and has been living with the them since 18th July, 2009.

Baby **MD a.k.a PKK** was presumably born in April, 2008. He was found abandoned on 25th June 2008 by a Good Samaritan at Mawanga Estate in Nakuru. The matter was recorded to Nakuru Police Station vide OB No. xxxxx. Baby **MD a.k.a PKK** was later taken to Child Welfare Society of Kenya (CWSK), Arap Moi Children's Home, Nakuru for further care and protection. On 29th December, 2010 Baby **MD**

a.k.a PKK was officially committed to the same institution as a child in need of care and protection vide Nakuru Children's Court P & C Case Number 22 of 2011.

By a letter dated 7th August 2011, the Nakuru Police Station asserted that the parents or relatives of the child cannot be traced and none appeared to claim the child.

On the 17th November, 2010 the Court ordered the Director of Children's Services and the Child Welfare Society of Kenya Nakuru Branch to conduct investigations as to the suitability of the applicants to adopt baby **MD a.k.a PKK**. One **C W** of Upper Gilgil was also appointed as Guardian *Ad Litem* of baby **MD a.k.a PKK**.

The Child Welfare Society of Kenya on home visit filed a favourable report dated 5th November, 2012 on the suitability of the Applicants to adopt baby **MD a.k.a PKK**. On 8th November the Child Welfare Adoption Case Committee in its sitting issued a Certificate of Declaring a Child Free for Adoption Serial Number xxx pursuant to Section 156(1) of the Children's Act 2001 dated 8th November, 2012.

Gladys Langat, Sub County Children's Officer Nyandarua after conducting investigations by visiting and interrogating the Applicants filed a favourable report in court dated 10th April 2017 on the Applicants' suitability to adopt Baby **MD a.k.a PKK**.

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 **MD a.k.a PKK** and that they are also financially stable and have the means to provide and care for him.

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

1. The Applicants are hereby authorized to adopt Baby **MD** and be known as **P K K**.
2. The Registrar of Births and Deaths do make the appropriate entries in the adopted children's register and issue a Certificate of Birth in the name of **P K K**.

Orders accordingly.

Dated and Signed at Kisii this 22nd day of January, 2018.

A. K. NDUNG'U

JUDGE