



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

ADOPTION CAUSE NO.41 OF 2015

IN THE MATTER OF M A.K.A M K.....MINOR

AND

B K N & F M K.....APPLICANTS

RULING

The Application is brought by way of Amended Originating Summons dated the 15th day of February, 2016. The Applicants **B K N** and **F M K** through their advocates, J.M. Rioba & Rioba and Company Advocates seek the following orders:

1. Spent
2. Spent
3. Spent
4. That the minor herein, M a.k.a M K be presumed a Kenyan Citizen having been found abandoned at MLOLONGO in Nairobi at a tender age of 2 years.
5. That the Registrar-General do make the appropriate entries in the adopted children's register in respect of minor herein and a birth certificate thereof issues to reflect the same.
6. That the court does issue such orders as may be necessary in the best interest of the child.
7. That the costs be in the cause.

The Applicants **B K N** and **F M K** are husband and wife. Both of them run a charitable institution where they are paid a salary. They also practice horticultural farming on their more than ten (10) acres of land.

They were married on 24th October, 1997 under the Marriage Act (Cap 150, now repealed) at Superintendent Registrar's Office, Nakuru. They had two biological children and one is since dead leaving them with one. Due to medical complications, they are unable to have another child hence the desire to adopt **M a.k.a M K** to make a complete family.

Baby **M a.k.a. M K** was presumably born on 20th July, 2012. He was found abandoned on 23rd March, 2014 at around 4.00p.m. in some bushes behind Valley View Park estate in Mlolongo near Kenchic Farm. He was rescued by a Good Samaritan namely J Nzioka of mobile No.xxxx. The Good Samaritan reported the matter at Mlolongo Police Station and the matter booked vide OB NO.xxxxx.

On 25th March, 2014 through the request of the O.C.S Mlolongo Police Station baby **M a.k.a. M K** was admitted at Thomas Barnardo House where he received all the immunizations as per the Kenya Expanded Programme on immunizations guidelines. He was later on 20th August, 2014 vide Senior Resident Magistrate's Children's Court at Nairobi P. & C. case No.234 of 2014 officially committed to the same institution for care and protection.

He was placed with the applicants in 2015 where he has been living and has blended so well with the Applicants and their biological child.

On 7th January, 2015 vide a letter by the O.C.S., Mlolongo Police Station, it was confirmed that the police efforts to trace the relatives had yielded no fruits and that no one had claimed the child since he was reported abandoned.

On the 13th June, 2016 Director, Children's Services, Office of the Deputy President, Ministry of Gender, Children and Social Development was directed by the court to investigate the Applicants' fitness to adopt and file a report. On the same date, the court also appointed H M K, ID. No.xxxx of P. O. Box xxxx, NAKURU as *Guardian ad Litem* of baby **M a.k.a. M K**

E. N. Njuguna, a Sub-county Children's Officer, Gilgil, Nakuru County after conducting investigations by visiting and interrogating the Applicants filed a favourable report dated 12th June, 2017 in court on the Applicants' suitability to adopt Baby **M a.k.a M K**. A Certificate of Declaring A Child Free For Adoption Serial No.xxxx dated 21st January, 2015 was also filed.

Upon reading the above report and satisfying myself that all the legal requirements have been adhered, this court is satisfied that the applicants are suitable persons to adopt Baby **M a.k.a. M K** and that they are financially stable and have the means to provide and care for him.

For the above reasons, the Court orders as follows;

1. The minor herein, **M a.k.a M K** be and is hereby presumed as Kenya Citizen having been found abandoned at Mlolongo in Nairobi.
2. The Registrar-General do make the appropriate entries in the adopted children's register in respect of the minor and a Birth Certificate thereof do issue to reflect the same.
3. The costs be in the cause.

Orders accordingly.

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

A. K. NDUNG'U

JUDGE