



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

(FAMILY DIVISION)

ADOPTION CAUSE NUMBER 23 OF 2016

IN THE MATTER OF BABY T K a.k.a

CM.....MINOR

AND

S K N1ST APPLICANT

R W W2ND APPLICANT

JUDGMENT

The Application is brought by way of Originating Summons dated 7th November, 2016. The Applicants SKN and RWW through M. G. Ntabo & Company Advocates seek the following orders:

1. Spent
2. Spent
3. Spent
4. THAT the Applicants be authorized to adopt T K – (minor) and the child be called the same henceforth.
5. THAT the Registrar-General do make the appropriate entries in the Adopted Children's Register in respect of T K – (minor).
6. THAT the minor herein be considered a Kenyan Citizen.
7. THAT the Court do issue such other orders as may be necessary in the best interests of the child.
8. THAT costs of this application be in the cause.

The applicants Stephen K N and R W W are husband and wife. The 1st applicant SKM works with [particulars withheld] as an assistant distributor while the 2nd applicant RWW works with [particulars withheld] as a Manager. SKM and RWW have four children of their own who are now adults dependent on their own. The applicants have a desire to adopt **Baby TK a.k.a. CM** since they want him to have a sense of belonging in their family, acceptance and security. They too have have a heart and passion for children.

Baby TK a.k.a. CM was presumably born on the 6th day of July 2007. His mother abandoned him within Nakuru Provincial Hospital wards on the same day after delivery causing him to be placed in the nursery unit.

Baby TK a.k.a. CM stayed in the hospital until the matter was reported to Nakuru Police Station on the 4th day of September, 2007 and recorded vide Occurrence Book Number 23/04/09/2007. On the 20th September, 2007, **Baby TK a.k.a. CM** was referred to St. Ann's Children's Home Nakuru for safe custody through the Nakuru Children's Department. On the 25th October, 2007 **Baby TK a.k.a. CM** was officially committed to the same institution for care and protection vide the Nakuru Children's Court Protection and Care Case Number 749 of 2007.

His medical record shows that the minor is in good health. His serology status is negative. He has also received all the immunizations as per the Kenya Expanded Programme on Immunizations guidelines.

By a letter dated 27th March 2008 the Nakuru Police Station asserted that after reports were made, investigations were carried out with no success of finding the parents of the minor. To date no one has gone to claim the minor and efforts to trace the relatives of the minor were futile.

The Kenya Children's Home Adoption Society Case Committee in its sitting of 14th August, 2012 freed the minor for adoption and issued a Certificate Declaring a Child Free For Adoption Serial No. [particulars withheld] pursuant to Section 156(1) of the Children's Act 2001.

On 1st February, 2017 A M K of Post Office Box 12617 - 20100, NAKURU was appointed *Guardian ad Litem* of the minor herein and the Director of Children's Services in the Ministry of Home Affairs, Nakuru was instructed to investigate the Applicants fitness to adopt and file a report.

Irene Chemallan, for Sub County Children's Officer Nakuru after conducting investigations by visiting and interrogating the Applicants filed a favourable report in court dated 29th March 2017, on the Applicants' suitability to adopt **Baby TK a.k.a. CM**. Upon reading the above report and satisfying myself that all the legal requirements have been adhered to and also after observing the demeanor of the applicant present in court at the hearing hereof this court is satisfied that the applicants are suitable persons to adopt **Baby TK a.k.a. CM** and that they are also financially stable and have the means to provide and care for her.

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

1. THAT the Applicants be and are hereby authorized to adopt T K – (minor) and the child be called the same henceforth.
2. THAT the Registrar-General do make the appropriate entries in the Adopted Children's Register in respect of T K – (minor).
3. THAT the minor herein be and is hereby considered a Kenyan Citizen.
4. THAT costs of this application be in the cause.

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

A. K. NDUNG'U

JUDGE