



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

ADOPTION CAUSE NUMBER 2 OF 2016

IN THE MATTER OF L K a.k.a D K K.....INFANT

AND

J K C

L J K.....APPLICANTS

RULING

The Application is brought by way of Originating Summons and is dated the 22nd February, 2016. The Applicants JKC and LJK through J. M. Rioba and Company Advocates seek the following orders:

1. Spent
2. Spent
3. Spent
4. THAT the minor herein be declared a Kenyan Citizen having been found abandoned soon after birth within Kenya.
5. THAT the applicants be authorised to adopt the subject herein and the child be henceforth called D K K.
6. THAT the Registrar - General do make the appropriate entries in the adopted children's register in respect of the minor herein and a birth certificate thereof do issue to reflect the same.
7. THAT the court do issue such other orders as may be necessary in the best interest of the child.
8. THAT the costs be in the cause.

The Applicants are husband and wife. **J K C** is a Principal Lecturer at [particular withheld] KMTC while **L J K** is a teacher at [particular withheld] Primary School, Nakuru. They were married under the Tugen Customary Laws and rites on the 3rd December 1993 and later on 11th June, 2014 they celebrated their marriage under the African Christian Marriage and Divorce Act (CAP 151) and they were issued with a Certificate of Marriage serial No. [particular withheld]. They have never been blessed with a child of their own hence the desire to adopt baby **LK a.k.a DKK**. They have been living with the minor since 20th May, 2016.

Baby **LK a.k.a DKK** was presumably born on 1st May, 2014. His mother offered him to police officers at Nakuru Police Station for adoption and never showed up to sign the final consent. The matter was recorded vide OB No. 19/30/7/14. Baby **LK a.k.a DKK** was admitted at Africa Gospel Church Baby Centre for further care and protection.

On 14th January 2015 Baby **LK a.k.a DKK** was officially committed to the same institution as a child in need of care and protection vide Molo Children's Court P & C Case Number 12 of 2015. His medical record shows that he is in good health having received all the immunizations as per the Kenya Expanded Programme on immunizations guidelines.

By a letter dated 16th October, 2014, the Nakuru Police Station asserted that since the matter was reported at their station, no one had gone to claim the minor and efforts to trace the kindred of the minor have been futile.

On 22nd April, 2015 the Kenya Children's Home Adoption Society in its sitting freed the Baby **LK a.k.a DKK** for adoption and issued a Certificate Declaring A Child Free For Adoption Serial Number [particular withheld] pursuant to Section 156(1) of the Children's Act 2001.

Mr. Douglas Wawire, Sub County Children's Officer Nakuru after conducting investigations by visiting and interrogating the Applicants filed a favourable report in Court dated 21st September, 2016 on the Applicants' suitability to adopt Baby **LK a.k.a DKK**.

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 applicants and that of the child at the hearing hereof this court is satisfied that the applicants are suitable persons to adopt Baby **LK a.k.a DKK** 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 minor herein is declared a Kenyan Citizen.
2. The applicants are hereby authorised to adopt Baby **LK a.k.a DKK** and the child be henceforth called **D K K**.
3. The Registrar - General do make the appropriate entries in the adopted children's register in respect of the Baby **D K K** herein and a birth certificate thereof do issue to reflect the same.
4. Costs be in the cause.

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

A. K. NDUNG'U

JUDGE