



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NAKURU**  
**ADOPTION CAUSE NO.3 OF 2013**  
**IN THE MATTER OF B a.k.a**

**C N W.....MINOR**

**AND**

**M W M.....1ST APPLICANT**

**M W M 2 & J N M.....2ND APPLICANTS**

**RULING**

The Application is brought by way of Originating Summons dated the 21st day of January, 2013. The Applicant **MWM** through her advocates, Njeri Njagua and Company Advocates seek the following orders:

1. That the 1st applicant **MWM** be authorized to adopt the subject herein **Baby B a.k.a CNW**.
2. That the 2nd Applicants **MWM 2 and JNM** be appointed *guardian ad litem* for the subject herein **Baby B a.k.a. CNW**
3. Spent
4. That the court be pleased to make any further orders as it may deem fit.

According to the Kenya Children's Home, the Applicant **MWM** is a Secretary by profession and works with [Particulars Withheld] Farm, Naivasha. She was once married but the marriage broke up because she was not blessed with a biological child of her own due to health complication hence the desire to adopt baby **B a.k.a. CNW**.

**Baby B a.k.a. CNW** was presumably born on 25th April, 2010. She was found abandoned by the road side within Sinai Slums in Industrial Area at around 9p.m. by one Oscar Odula, a resident of Sinai and an employee of [Particulars Withheld] Lunga Lunga on his way back home from work on 1st May, 2010. She was estimated to be approximately seven (7) days old.

The matter was reported to the Industrial Area Police Station on the same day vide Occurrence Book No. [Particulars Withheld]. The said police station by a letter dated 1st May, 2010 referred the minor to Thomas Barnado House where she was admitted for care and protection as an abandoned child and that is where she was given the name **B**.

On 18th June, 2010 **Baby B a.k.a CNW** was vide Senior Resident Magistrate's Children's Court at Nairobi P. & C. Case No.210 of 2010 officially committed to the same institution for care and protection.

By a letter dated 18th November, 2010 from the O.C.S., Industrial Area 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 she was reported abandoned.

On 23rd November, 2010 **Baby B a.k.a. CNW** was officially placed with the applicant as per a copy of care and control agreement between the Thomas Barnado Children's Home and the applicant approved by the Kenya Children's Home Adoption Society where she has been todate.

The Kenya Children's Home Adoption Society's Adoption Committee in its sitting on 19th November, 2010 issued A Certificate Declaring a Child Free For Adoption Serial No. 595 dated the same day.

On the 20th February, 2014 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, MWM 2 and JNM (proposed *guardian ad litem*) both of P.O. Box 155, [Particulars Withheld] were also ordered to file a report on their suitability within 45 days.

The Kenya Children's Homes after conducting investigations by visiting and interrogating the Applicant filed a favourable report dated 2nd March, 2012 in court on the Applicant's suitability to adopt **Baby B a.k.a CNW**. The guardian *ad litem* also filed a suitable report dated 5th June, 2014. Upon reading the above report and satisfying myself that all the legal requirements have been adhered, this court is satisfied that the applicant is suitable to adopt **Baby B a.k.a. CNW**.

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

1. The 1st Applicant MWM is hereby authorised to adopt **Baby B a.k.a. CNW**.
2. The Registrar of Births and Deaths do make appropriate entries in the adopted childrens' register and issue a certificate of birth in the name of **CNW**.

Wanjiru Mubi be authorized to adopt the subject herein **Baby B a.k.a CNW**.

Orders accordingly.

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

**A. K. NDUNG'U**

**JUDGE**