



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAKURU**

**ADOPTION CAUSE NO. 27 OF 2014**

**IN THE MATTER OF BABY N Z C a.k.a**

**P N N.....MINOR**

**AND**

**J N M.....APPLICANT**

**RULING**

The Application is brought by way of Originating Summons dated the 29th day of December, 2014. The Applicant **J N M** through her advocates, J. M. Rioba & Rioba and Company Advocates seek the following orders:

1. Spent
  2. Spent
  3. Spent
  4. That the child be presumed a Kenyan citizen by birth having been found abandoned in Kenya at the age of less than eight (8) years.
  5. That the applicant be authorized to adopt and the child be henceforth called **P N N**
- That the Registrar-General do make the appropriate entries in the adopted children's register and further the Registrar of Births and Deaths do issue a birth certificate in respect thereof.
7. That the court does issue such other orders as may be necessary in the best interest of the child.
  8. That the costs be in the cause.

The applicant is single, a teacher by profession and also does part time poultry farm. She teaches at [particulars withheld] Primary School in Njoro. She has never been married although she was once in a relationship which ended prematurely due to inferiority complex due to her physical looks and rejection from both families.

She fears that her chances of parenting naturally have dwindled due to age and hence the desire to adopt **BABY N Z C a.k.a. P N N**. It is also her wish not to get a child outside wedlock but feels if the right person comes up, he must accept her together with the minor.

**BABY N Z C a.k.a. P N N** was presumably born on 17th September, 2012. She was admitted at the Rift Valley Provincial General Hospital, Nakuru on 13th March, 2013 where her father (who had taken her there) abandoned her the following day i.e. 14th March, 2013 while she was still undergoing treatment. According to the hospital records, vide a letter dated 22nd May, 2013 from the Medical Superintendent, Provincial General Hospital, it indicates the mother of the minor is deceased.

The matter was reported at Nakuru Central Police Station on 22nd May, 2013 vide Occurrence Book No.xxxx and also to the District Children Office respectively. Both institutions by a letter of the same date referred the minor to AGC Baby Center where she was admitted for care and protection as an abandoned child pending investigation.

On 22nd November 2013 **BABY N Z C a.k.a. P N N** was vide Chief Magistrate's Children's Court at Nakuru P. & C. Case No.514 of 2013 officially committed to the same institution for care and protection.

By a letter dated 14th January, 2014 from the O.C.S., Nakuru 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. She was hence officially placed with the applicant where she lives to date.

The Kenya Children's Home Adoption Society's Adoption Committee in its sitting on 15th April, 2014 issued A Certificate Declaring a Child Free For Adoption Serial No.xxxx dated the same day.

On the 11th February, 2016 Director, Children's Services, Ministry of Gender, Children and Social Development was directed by the court to investigate the Applicant's fitness to adopt **BABY N Z C a.k.a. P N N** and file a report. On the same date, M M M P.O. Box xxxx, NAKURU was appointed as *guardian ad litem* of the minor. The consent of the biological parents was also dispensed with.

Olive Kamau, Nakuru Sub-County Children's Officer, after investigating and making a home visit at Njoro on 26th April, 2016 filed a favourable report on the Applicant's fitness to adopt **BABY N Z C a.k.a. P N N** dated 26th October, 2016. The Kenya Children's Homes also after taking the applicant through explanatory memorandum for adopters, conducting investigations by visiting and interrogating the Applicant filed a favourable report dated 20th May, 2015 in court on the Applicant's suitability to adopt the minor.

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 N Z C a.k.a. P N N**. It is therefore ordered that:

9. **BABY N Z C a.k.a. P N N** be and is hereby presumed a Kenyan citizen by birth having been found abandoned in Kenya at the age of less than eight (8) years.

10. The applicant be and is hereby authorized to adopt the child and the child be henceforth called **P N N**.

11. The Registrar-General do make the appropriate entries in the adopted children's register and further the Registrar of Births and Deaths do issue a birth certificate in respect thereof.

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

**A. K. NDUNG'U**

**JUDGE**

JUDGE