



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAKURU**

**ADOPTION CAUSE NUMBER 13 OF 2016**

**IN THE MATTER OF R C a.k.a M N G.....INFANT**

**AND**

**G G M**

**C N G.....APPLICANTS**

**JUDGMENT**

The Application is brought by way of Originating Summons and is dated the 17th May, 2016. The Applicants **G G M** and **C N** through their advocate Karen Wanderi & Company Advocates seek the following orders:

1. Spent
2. Spent
3. Spent
4. Spent
5. Spent
6. **THAT** the Applicants be authorized to adopt BABY R C to be known as M N G.
7. **THAT** S K G of Post Office box Number [Particulars Withheld] in the Republic of Kenya be and is hereby appointed Legal Guardian of the minor.
8. **THAT** the Registrar General do make in the Adopted Children Register an entry recording the adoption in accordance with the particulars set out in the Schedule to this order.
9. **THAT** the Registrar of Births and Deaths be and is hereby directed to issue the child with a certificate of birth in the name of **M N G**.

The Applicants **G G M** and **C N G** are husband and wife. **G G M** is a self employed carpenter while the wife **C N G** is a nurse. The couple resides in [Particulars Withheld]. They got married in the year 1995 under the Kikuyu Customary Law and later had their marriage solemnized under the African Christian Marriage and Divorce Act (CAP 151) in Nakuru District in the year 2010 where they were issued with a Certificate of Marriage serial No. [Particulars Withheld].

The Applicants have two biological children but due to medical conditions of the adoptive mother she was advised not to conceive again hence the desire to adopt baby **R C a.k.a M N G**.

Baby **R C a.k.a M N G** was presumably born on 20th May, 2011. She was found abandoned in Kitale Town on the 28th April, 2014 by Child Rescue Kenya. The matter was reported at Kitale Police Station on the 13th February, 2015 vide OB. No. [Particulars Withheld]. Baby **R C a.k.a M N G** was later taken to Birunda Rescue Centre. On 12/3/2015 Baby **R C a.k.a M N G** was officially committed to Thomas Barnardo House as a child in need of care and protection vide Kitale Children's Court P & C Case Number 36 of 2015.

On the 28th March 2017, the Court ordered the Department of Children's Services, Ministry of Labour, Social Security and Services Affairs, Nakuru County to conduct investigations as to the suitability of the applicants to adopt **Baby R C a.k.a M N G** . One **S K G** of [Particulars Withheld] was also appointed as Guardian *Ad Litem* of baby **Baby RC a.k.a M N G**.

By a letter dated 7 September 2015, the Kitale Police Station asserted that the parents or relatives of the child cannot be traced and none appeared to claim the child.

The Kenya Children's Homes Adoption Society upon home visit at the Applicants Residence in Molo on 11th April, 2014 filed a favourable report dated 25th April, 2016 on the suitability of the Applicants to adopt baby **R C a.k.a M N G** . On 13th October, 2015 the Change Trust Case Committee in its sitting issued a Certificate of Declaring a Child Free for Adoption Serial Number [Particulars Withheld].

The County Children Coordinator after conducting investigations by visiting and interrogating the Applicants filed a favourable report in Court dated 29th September, 2017 on the Applicants' suitability to adopt Baby **RC a.k.a M N G**.

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

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

1. **THAT** the Applicants be and are hereby authorized to adopt **BABY R C** to be known as **M N G**.
2. **THAT** **SKG** of Post Office Box Number, [Particulars Withheld] in the Republic of Kenya be and is hereby appointed Legal Guardian to the minor.
3. **THAT** the Registrar General do make in the Adopted Children Register an entry recording the adoption in accordance with the particulars set out in the Schedule to this order.
4. **THAT** the Registrar of Births and Deaths be and is hereby directed to issue the child with a certificate of birth in the name **MNG**.

**Dated and Signed at Nakuru this 18th day of April, 2018.**

**A. K. NDUNG'U**

**JUDGE**