



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**

**AT NAKURU**

**ADOPTION CAUSE NUMBER 5 OF 2017**

**IN THE MATTER OF BABY J C a.k.a F W.....MINOR**

**AND**

**C G M.....1ST APPLICANT**

**G W M..... 2ND APPLICANT**

**JUDGMENT**

The Application is brought by way of Originating Summons and is dated the 21st March, 2017. The Applicants C G M and J W M through their advocates, Makori Rioba and Company Advocates seek following orders:

1. Spent
2. Spent
3. Spent
4. **THAT** the Applicants be authorized to adopt the said child and the child be henceforth called F W.
5. **THAT** the child be presumed to be a Kenyan Citizen having been found in Kenya at the time of birth.
6. **THAT** the Registrar-General do make the appropriate entries in the Adopted Children's Register in respect of the minor 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 applicants are husband and wife. The 1st Applicant is a an automotive mechanic and businessman and the 2nd Applicant is a hairdresser in Nakuru. They hail in Nakuru. They got married on 29th April, 2015 through a civil wedding which was solemnized under the Marriage Act, 2014 at the Registrar's Office, Nakuru County where they were issued with a Certificate of Marriage serial No. xxxx.

The Applicants have never been blessed with a biological child of their own due to health complications of the 2nd Applicant. They thus desire to adopt baby **J C a.k.a F W** since they want to bring up a child on their own in a morally and legally acceptable way and to also give a needy child a home, parental love, attention and affection as a way of giving back to the society.

Baby **J C a.k.a. F W** was presumably born on 9th July 2014. She was found abandoned on 23rd August, 2014 at around midnight by administration police officers who were on patrol duties in Kericho. She was rescued and taken to Kericho District Hospital for medical attention. Upon discharge on the 9th September 2014, the hospital sought placement of the child at Africa Gospel Church Baby-Centre Ngata and a vacancy was availed. The matter was also on the same day reported to Sosiot Police Station vide Occurrence Book number 25/23/8/14. On 28th August, 2014 Baby **J C a.k.a. F W** was officially committed to the same institution by the Kericho Children's Court vide Protection and Care Case number 97 of 2014. Information availed indicates that the child is in good health and the home ensured that the child's immunization schedule was followed as per the Kenya Expanded Programmed Guidelines on Immunizations. Baby **J C a.k.a. F W** is HIV negative.

By a letter dated 6th May, 2015, the Sisiot Police Station asserted no one went to the station to claim for the abandoned child and efforts to trace the kindred of the child have been futile.

On the 3rd May, 2017 the Court ordered the Director of Children's Services in the Ministry of East African Community, Labour and Social Protection to conduct investigations as to the suitability of the applicants to adopt baby **J C a.k.a. F W**. One **M W W** of P. O. Box xxxx – xxxx NAKURU was appointed as Guardian *Ad Litem* of baby **J C a.k.a. F W**. The consent of the biological parents of baby **J C a.k.a. F W** was also dispensed with.

The Applicants **C G M** and **G W M** had approached the Kenya Children's Homes Adoption Society on the 8th January, 2015 with an intention of being ratified for placement with a female child with a view to legally adopt. They were taken through the adoption process and its implications to which they consented. The society assessed the Applicants' suitability to adopt or otherwise at their residence in Nakuru on 20th March, 2015. They were found to be suitable by the society in its sitting of 20th May, 2015 and were thus placed with the minor baby **J C a.k.a. F W** on 27th October, 2015 after a successful bonding at the Africa Gospel Church Baby Centre – Ngata.

Prior to placement the minor had been freed for adoption by the Change Trust Adoption Society's Case Committee on 13th October, 2015 and issued a Certificate of Declaring a Child Free for Adoption Serial Number [particulars withheld] in compliance to **Sections 177(7) and 156(1)** of the **Children's Act 2001** respectively.

Gladys Langat, the Sub County Children's Officer Nyandarua after conducting investigations by visiting and interrogating the Applicants filed a favourable report in Court dated 5th June, 2017 on the Applicants' suitability to adopt Baby **J C a.k.a. F W**.

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 **J C a.k.a. F W** and that they are also financially stable and have the means to provide and care for her.

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

1. **THAT** the Applicants be and are hereby authorized to adopt baby **J C a.k.a. F W** and the child be henceforth called **F W**.
2. **THAT** the child be and is hereby presumed to be a Kenyan Citizen having been found in Kenya at the time of birth.
3. **THAT** the Registrar-General do make the appropriate entries in the Adopted Children's Register in respect of the minor and further the Registrar of Births and Deaths do issue a Birth Certificate in respect thereof.
4. **THAT** the costs be in the cause.

**Dated and Signed at Nakuru this 13th day of June, 2018.**

**A. K. NDUNG'U**

**JUDGE**