



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NANYUKI

ADOPTION CAUSE NO 4 OF 2018

1. L K K

2. S N M.....APPLICANTS

IN THE MATTER OF AN APPLICATION FOR THE ADOPTION OF BABY C N

AND

IN THE MATTER OF THE CHILDREN'S ACT, NO 8 OF 2001

J U D G M E N T

1. This judgment concerns the *ex parte* originating summons dated 11/12/2017 by which the Applicants sought the following reliefs and orders:-

- (i) That the Applicants be authorised to adopt the Child herein known as **BABY C N**.
- (ii) That upon such adoption order, the Child be renamed **T C K**.
- (iii) That the court do declare the Child's date of birth to be **7th August 2016**.
- (iv) That the Child's place of birth be declared to be Nakuru County in the Republic of Kenya, and the Child therefore be presumed to be a Kenyan citizen by birth.
- (v) That the Registrar-General be directed to make appropriate entries in the **Adopted Children Register** and do issue necessary certificate.

There are other ancillary orders sought which do not belong in a final judgment like this one.

2. The originating summons is supported by a statement by the Applicants which is verified by an affidavit sworn by the 1st Applicant on 11/12/2017. I have read the statement and the verifying affidavit, together with the documents annexed thereto.

3. I have also seen and read some three reports in the court record as follows:-

- (a) Dated 02/02/2018 by the adoption society, **Buckner Kenya Adoption Services**.
- (b) Dated 05/02/2018 by the **Department of Children's Services, Laikipia County**.
- (c) Dated 05/03/2018 by the **Guardian ad litem** of the Child duly appointed by the court.

The three reports are favourable to the adoption order sought.

4. **Baby C N** was born about 07/08/2016, probably at Gilgil in Nakuru County. She was found abandoned near **[Particulars Withheld] Academy, Gilgil** by members of the public who reported the matter to **Nakuru Police Station** under **Occurrence Book No. [Particulars Withheld]**.

5. The Child was subsequently committed to **Haven of Hope Baby Centre, Nakuru** on 22/09/2016 vide **Nakuru Children's Court Protection and Care Case No 315 of 2016**. No person came forward to claim the child, and on 21/04/2017 the child was declared free for

adoption by the adoption society, **Buckner Kenya Adoption Services, Nairobi**. In this regard the court hereby dispenses with the parents' or guardian's consent for the adoption order sought.

6. On 19/06/2017 the Child was placed in the care and protection of the applicants, and they have had her since.

7. The Applicants are Kenyan citizens by birth and a married couple. They were married in 2007 under Kalenjin customary law and have lived together as man and wife since then in Laikipia County. The 1st Applicant (husband) is a trained school teacher employed by the **Teachers' Service Commission**. The 2nd Applicant (wife) is an established and successful business woman. They have what appears to be a combined middle class income that has enabled them to own their own home and other properties, and to lead a fairly comfortable lifestyle. They do not have their own biological children. This one would be their first adoption.

8. I have considered the antecedents of the Applicants and their present personal, professional and married circumstances in light of the various provisions of the law to be found in **Part XII** of the **Children Act, Cap 141**. I do not find any legal impediment to the adoption order sought by the Applicants.

9. I am further satisfied that the adoption of the Child by the Applicants will eminently be in her best interest and welfare. They are committed to her in love and have the necessary emotional, psychological and material means to raise and school the Child to useful adulthood as an upright member of her community and citizen of Kenya.

10. I will in the circumstances allow the originating summons in the following terms:-

(a) An order of adoption is hereby issued in respect to the Child jointly to the Applicants.

(b) The Child, now known as Baby C N, shall henceforth be called and known by the name T C K.

(c) The Child's date and place of birth are hereby declared to be 07/08/2016 and Nakuru County respectively.

(d) The Child is hereby declared to be a citizen of Kenya by birth.

*(e) The Registrar-General is hereby directed to make the necessary entries in the **Adopted Children Register** and issue any due certificate to that effect.*

DATED, SIGNED AND DELIVERED AT NANYUKI THIS 22ND DAY OF NOVEMBER 2018

H P G WAWERU

JUDGE