



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

ADOPTION CAUSE NUMBER 24 OF 2017

IN THE MATTER OF BABY AP

aka NJL and M aka EKL.....MINOR

AND

MJK.....APPLICANT

JUDGMENT

The Application is brought by way of Originating Summons and is dated 18th May, 2017. The Applicant Makori & Rioba Company Advocates seek the following orders:

1. Spent.
2. Spent.
3. Spent.
4. **THAT** the applicants be authorized to adopt and the children be henceforth called NJL and EKL respectively.
5. **THAT** the Honourable Court be pleased to presume the minors herein as Kenyan Citizen having been found abandoned in Nairobi area at tender ages and no known whereabouts of the parents.
6. **THAT** Registrar-General do make the appropriate entries in the adopted children's register in respect of the minor's herein.
7. **THAT** the court does issue such other orders as may be necessary in the best interest of the child and the costs be in the cause.

The Applicant **MJK** resides at [particulars withheld] Farm in Eldoret. She works for gain as an [particulars withheld] Officer with the Ministry of Agriculture in Eldoret. She also does commercial farming. The Applicant is a widow having lost her husband one WKK (deceased) through a road crash in the year 2005. A death certificate serial number B. No. [particulars withheld] in respect of the late WKK is on record. They had married under the **African Christian Marriage and Divorce Act Cap 151 Laws of Kenya** and their marriage was solemnized at AIC Tugumoi in Elgeyo Marakwet District of the Rift Valley Province and were issued with a certificate of marriage serial number [particulars withheld]. They had no children. The applicant desires to adopt baby **AP aka NJL** a female child and baby **M aka EKL** a male child since she desires to expand her family and to play a motherly role to a needy child because of the love she has for children.

Baby AP aka NJL was abandoned at a day care centre belonging to Ms RMN of ID number [particulars withheld] at Lunga Lunga slums in Viwandani Location, Makadara District on 27/01/2011. Rispa reported the matter at Industrial Area Police Station on 11/4/2011 and the same was recorded vide OB number [particulars withheld]/11/04/2011. The matter was brought to the attention of the children office and through them baby **AP aka NJL** was admitted to Nairobi Children's Home the same day. Baby **AP aka NJL** was officially committed to Happy Life Children's Home on 25th November, 2011 vide **Nairobi Children's Court Case Number 140 of 2011** aged 1½ years.

Baby **M aka EKL** was taken to Kamukunji police station by one Joseph Wangunda of telephone number 0725XXXXXX of Machakos Country Bus. The minor was abandoned by an unknown woman who was in the company of another lady at her place of work at around 4 p.m. on 4/11/2012. The matter was reported at Kamukunji Police Station vide OB number OB/[particulars withheld]/7/11/2012. Baby **M**

aka EKL was officially committed to Happy Life Children's Home on 8th July, 2013 by the **Nairobi Children's Court vide C & P case number 502/2012** aged 2 years.

Vide a letter dated 17th July, 2014 from the Industrial Area Police Station Nairobi concerning Baby **AP aka NJL** and another dated 13th August, 2014 from Kamukunji Police Station Nairobi concerning Baby **M aka EKL**, both letters asserted that nobody has come forward to claim the children and efforts to trace any known relatives has been borne no fruits. The police recommended that the home acts in the best interest of the children since they had close their investigations.

MJK approached the KKPI Adoption Society with an intention to be placed with two children, a male and a female with a view to eventually adopt. The society conducted a home visit at the **MJK**'s residence in [particulars withheld] Farm in Eldoret on 6th March, 2015 and also interviewed her at their offices. **MJK** upon reading the Explanatory Memorandum of Adopters voluntarily signed a certificate of acknowledgment as a confirmation that she fully understands the process and is ready to abide by the adoption implications. **MJK** took the children onto her foster care from Happy Life Children's Home in the same year 2015 upon approval by Adoption Society's Case Committee sitting and the children have been in her continuous care and control ever since.

On the 7th May, 2018, the Court directed the Director Children's Services in the Ministry of East African Community, Labour and Social Protection, Department of Children Services to conduct investigations as to the suitability of the applicant to adopt baby **AP aka NJL** and baby **M aka EKL** and submit a report on the findings to court. **JKK** of ID Number [particulars withheld] and **WJR** of ID Number [particulars withheld] both of P. O. Box 20750 – 00202 NAIROBI were appointed as *Guardian Ad Litem* of baby **AP aka NJL** and baby **M aka EKL** during the hearing of these proceedings. The consents of the biological parents of the minors were dispensed with.

The Case Committee of KKPI Adoption Society Services in its sitting on 27th May, 2015 declared baby **AP aka NJL** and baby **M aka EKL** free for adoption vide Certificate of Declaring a Child Free for Adoption serial numbers [particulars withheld] and [particulars withheld] respectively.

Mr. Simon Orenge, the Sub-County Children Officer, Uasin Gishu County filed a favourable report dated 14th June, 2018 to court as to the suitability of the Applicant to adopt baby **AP aka NJL** and baby **M aka EKL**.

Upon reading the above report and satisfying myself that all the legal requirements have been adhered to, this Court is satisfied that the applicant is suitable to adopt minors **AP aka NJL** and **M aka EKL** and she also is financially stable and have the means to provide and care for them.

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

1. **THAT** the applicant be and is hereby authorized to adopt and the children be henceforth called **NJL** and **EKL** respectively.
2. **THAT** the minors herein are hereby presumed as Kenyan Citizens.
3. **THAT** Registrar-General do make the appropriate entries in the adopted children's register in respect of the minor's herein.
4. **THAT** the costs be in the cause.

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

A. K. NDUNG'U

JUDGE