



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAKURU**

**ADOPTION CAUSE NO.5 OF 2016**

**IN THE MATTER OF BABY N A a.k.a M M M.....INFANT**

**AND**

**J F M W**

**E A O .....APPLICANTS**

**RULING**

The Application is brought by way of Originating Summons and is dated the 29th February, 2016. The Applicants JFMW and EAO through 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 N A to be known as M M M.
7. THAT C A W of Post Office Box Number [...], NAIROBI in the Republic of Kenya be appointed Legal Guardian of the minor.
8. THAT it is directed that the Registrar General shall 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 M M.

The applicants are a [particulars withheld] and an ICT officer with [particulars withheld] respectively. They were married under the African Christian Marriage and Divorce Act (CAP 151) at Jesus International Church on 1st January, 2006. They have never been blessed with a child of their own as E is unable to conceive hence the desire to adopt baby NA a.k.a MMM. They have been living with the

minor since 10th September, 2015.

Baby **NA a.k.a MMM** was presumably born on 25th December, 2014. She was found abandoned in a poultry house along Ongata Rongai by a Good Samaritan. She was rescued and the matter reported vide OB No. [particulars withheld]. She was later taken to Mbagathi Hospital as she was in a poor condition. On 29th January 2015 through the Langata Sub-County Children's Officer, she was admitted at the Thomas Barnardo House for further care and protection.

On 15th May 2015 Baby **NA a.k.a MMM** was officially committed vide Nairobi Children's Court P & C Case Number 102 of 2015. Her medical record shows that the minor is in good health having received all the immunizations as per the Kenya Expanded Programme on immunizations guidelines.

By a letter dated 17th July, 2015 the Ongata Rongai Police Station asserted that since the matter was reported at their station, no one had gone to claim the minor and efforts to trace the relatives of the minor were futile.

On the 28th September, 2016 J W N of Post Office Box [...], NAKURU was appointed *Guardian ad Litem* of the minor herein and the County Director of Children's Department, Office of the Deputy President, Ministry of Gender and Youth Affairs, Nakuru was instructed to investigate the Applicants fitness to adopt and file a report.

Mr. Olive Kamau, Sub County Children's Officer Nakuru after conducting investigations by visiting and interrogating the Applicants filed a favourable reports in court dated 17th October, 2016 on the Applicants' suitability to adopt Baby **NA a.k.a MMM**.

Upon reading the above report and satisfying myself that all the legal requirements have been adhered to and also after observing the demeanor of the applicants and that of the child at the hearing hereof this court is satisfied that the applicants are suitable persons to adopt Baby **NA a.k.a MMM** and that they are also financially stable and have the means to provide and care for her.

For the above reasons, the court hereby order as follows:

1. THAT the Applicants be authorized to adopt BABY N A to be known as M M M.
2. THAT C A W of Post Office Box Number [...], NAIROBI in the Republic of Kenya be appointed Legal Guardian of the minor.
3. THAT it is directed that the Registrar General shall 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 of M M M.

**Dated, Signed and Delivered at Nakuru this 30th March, 2017**

**A. K. NDUNG'U**

**JUDGE**