



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU
ADOPTION CAUSE NO. 26 OF 2017
IN THE MATTER OF THE CHILDREN ACT
IN THE MATTER OF BABY A D a.k.a
D W K
AND
IN THE MATTER OF BABY S N a.k.a.
S G K..... INFANTS
AND
H K G
P N K.....APPLICANTS
RULING

The Application dated 19th May, 2017 is brought by way of Originating Summons. The Applicants **H K G** and **P N K** through their advocate Karen Wanderi & Company seek the following orders:

1. That the minors be presumed Kenyan citizens
2. Spent
3. That the court dispense with the consent of the biological parents
4. Spent
5. That **T MG** of **P.O. Box 75709-00200 City Square, Nairobi** within the Republic of Kenya be appointed Legal Guardian of the minor.
6. That the Applicants be authorized to adopt the twins **A D a.k.a. Damaris W K** and **S N a.k.a. S G K** the infants.
7. That the Registrar General be directed to make in the Adopted Children Register an entry recording the adoption in accordance with the particulars set out in the Schedule to this order.

8. That the Registrar of Birth and Deaths be directed to issue the infants twins with certificates of birth in the names of **D W K** and **S G K** respectively.

The Applicants **H K G** and **P N K** are husband and wife. **H K G** is a self employed nurse while the wife, **P N K** is a business lady. They both live in the United States of America. They were married under the Kikuyu Customary Law in 1994 and did a Wedding on 24th August, 2010 under the Christian Marriage and Divorce Act (Cap 151) at The Registrar's Office Nakuru where they were issued with a Marriage Certificate [particulars withheld]. They have no biological child due to some medical complications hence the desire to adopt **Babies A D a.k.a. D W K** and **S N a.k.a. S G K** respectively.

Both applicants reside in the United States of America but they have a home here in Kenya where they live when they visit. Both babies have been living with the Applicants since 12th February, 2017 and have bonded very well.

The Babies were born on 19th August, 2015 at [particulars withheld] Nursing Home and were abandoned by their mother immediately after birth. The matter was reported at Matasia Police Post vide OB No[particulars withheld] and on 26th August, 2015 they were both admitted to Mahali Pa Maisha institution for care.

On 12th November, 2015, vide Kajiado Children's Court P. & C. Case No.23 of 2015 the babies were officially committed to the same institution for care and protection.

On 1st March, 2016, Matasia Police Station vide a letter by the O.C.S., confirmed that the police efforts to trace the relatives had yielded no fruits and that no one had claimed the babies since they were reported abandoned. The Administrator, Matasia Nursing Home also confirmed that nobody had ever gone there claiming the babies.

On the 13th June, 2017 County Director, Children's Services, Office of the Deputy President, Ministry of Gender, and Youth Affairs, Nakuru was directed by the court to investigate the Applicants' fitness to adopt and file a report. On the same date, the court also appointed Timothy Mwangi Gachau of P. O. Box 75709-00200, City Square, Nairobi, as *Guardian ad Litem* of **Babies A D a.k.a. D W K** and **S N a.k.a. S G K** respectively.

Abdi Sheikh Yusuf, the County Coordinator, Nakuru Children's Services after conducting investigations by visiting and interrogating the Applicants filed a favourable report dated 20th June, 2017 in court on the Applicants' suitability to adopt **Babies A D a.k.a. DW K** and **S N a.k.a. S G K** respectively. The Change Trust, an institution dealing with children's welfare also filed a favourable report on the suitability of the applicant's to adopt the babies. They also issued Certificates Serial Nos.[particulars withheld] and [particulars withheld] at their case committee's sitting on 24th June, 2017 declaring the children free for adoption.

Upon hearing counsel for the applicants, 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 **Babies A D a.k.a. D W K** and **S N a.k.a. S G K**. The applicants are financially stable and have the means to provide and care for the babies.

For the above reasons, the court hereby orders as follow:

9. The minors are hereby presumed Kenyan citizens.

10. The consent of the biological parents is dispensed with.

11. T M G of **P. O. Box [particulars withheld] City Square, Nairobi** within the Republic of Kenya is hereby appointed Legal Guardian of the minor.

12. The Applicants are authorized to adopt the twins **Babies A D a.k.a. D W K** and **S N a.k.a. S G K**.

13. The Registrar General is hereby directed to make in the Adopted Children Register an entry recording the adoption in accordance with the particulars set out in the Schedule to this order.

14. The Registrar of Birth and Deaths is hereby directed to issue the infants twins with certificates of birth in the names of **D W K** and **S G K** respectively.

Dated, Signed and Delivered at Nakuru this 26th July, 2017.

A. K. NDUNG'U

JUDGE