



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

ADOPTION CAUSE NO. 36 OF 2015

IN THE MATTER OF BABY M O a.k.a M W K.....INFANT

AND

R L M

A W N.....APPLICANTS

RULING

The Application is brought by way of Originating Summons dated the 30th day of July, 2015. The Applicants JMM and YNI seek the following orders;

- (1) Spent
- (2) Spent
- (3) Spent
- (4) Spent
- (5) Spent
- (6) That the Applicants be authorised to adopt **M O a.k.a M W K**
- (7) That SUSAN WAMBUI NJENGA of Post Office Box 173, EGERTON be appointed Legal Guardian of the minor.
- (8) That the Registrar-General do make in the Adopted Children's Register an entry recording the adoption in accordance with the particulars set out in the schedule of this order.
- (9) That the Registrar of Births and Deaths be directed to issue the child with a Certificate of Birth in the names of **M W K**

The Applicants R L M and A W N (hereinafter the applicants) are husband and wife. They were married under Luhya/Kikuyu Customary Laws in 2002. They then formalized their marriage at the Marriage Registry at D.C.'s office, Nakuru on 28th August, 2013. They are not blessed with a biological child of

their own. They desired to be parents and hence opted for adoption. Both of them are farmers by profession.

They wish to adopt baby **MWK**. She was presumably born on 20th October, 2009. On 2nd February, 2014 she was found stranded at a round-about within Huruma in Nairobi by a good Samaritan who rescued her and took her to Huruma Police Station. The report was recorded at Huruma Police Station vide OB No.14/2/2/2014.

On 3rd February, 2014 baby **MWK** was admitted to Nairobi Children's Rescue Centre. While there, the institution tried to trace her family through the local press several times without success. Through a letter dated 13th January, 2015, Huruma Police Station also asserted that despite investigations done since the baby was abandoned, no one had gone to claim her and efforts to trace her relatives was futile.

On 29th October, 2014 baby **MWK** was admitted to Thomas Barnardo House vide Nairobi Senior Resident Magistrate's Children's Court P & C No.64 of 2014. She has been living with the applicants since 24th February, 2015.

Prior to the hearing of the adoption, an officer from Nakuru County Children's Services filed a report in court together with a Certificate No.1201 issued pursuant to **Section 156(1)** of the **Children's Act 2001** by Kenya Children's Home Adoption Society declaring the child free for adoption dated 21st January, 2015.

The *Guardian ad Litem*, Susan Wambui Njenga swore an affidavit confirming that the applicants are known to her for more than five (5) years and that she understood her responsibility on the baby in case of incapacitation on the part of the applicants.

I have had occasion to consider the application and the relevant reports filed. All the reports are favourable in support of the applicants' prayer to adopt baby **MWK**. They are in a stable union, they have the means and a conducive environment for the bringing up of the minor.

For the above reason, the Originating Summons on application for an adoption order dated 30th day of July, 2015 is hereby allowed and the following orders granted:

- (a) That the Applicants be authorised to adopt **M O a.k.a M W K**
- (b) That SUSAN WAMBUI NJENGA of Post Office Box 173, EGERTON be appointed Legal Guardian of the minor.
- (c) That the Registrar-General do make in the Adopted Children's Register an entry recording the adoption in accordance with the particulars set out in the schedule of this order.
- (d) That the Registrar of Births and Deaths be directed to issue the child with a Certificate of Birth in the names of **M W K**

Orders accordingly.

Dated, Signed and Delivered at Nakuru this 18th day of February, 2016

A. K. NDUNGU

JUDGE