



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

ADOPTION CAUSE NO. 37 OF 2015

IN THE MATTER OF S D A a.k.a. S G

a.k.a. P W.....INFANT

AND

J K M

A W M.....APPLICANTS

RULING

The Application is brought by way of Originating Summons and is dated the 15th day of July, 2015. The Applicants JKM and AWM seek the following orders;

1. Spent.
2. Spent
3. Spent
4. Spent
5. Spent
6. That the Applicants be authorised to adopt Baby **SD** a.k.a. **SG** a.k.a. **PW**
7. That B N of Post Office Box No.43, RONGAI 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 P W

The applicants got married on 14th December, 2002 under the African Christian Marriage and Divorce Act. J K M is a Chaplain while A W M is a nurse. They are happily married and financially stable. They have never been blessed with a child of their own which has motivated them to adopt.

Baby **PW** was presumably born on 20th April, 2013 and abandoned by her mother who was a house help at her employer's house within Kiserian town. The family reported to the police and continued caring for the girl for a while. On the 5th of August, 2014 they went back to the police since they no longer wanted to care for the baby.

The matter was recorded at Kiserian Police Station vide OB No.33/31/1/2014 who later sought

placement of the baby at Mahali Pa Maisha through Kajiado North Children Officer. On 28th August, 2014 the baby was admitted. On 14th October, 2014 the baby was officially committed at Mahali Pa Maisha for care and protection via the Kajiado Children's Court Protection and Care Case No.82 of 2014.

By a letter dated 8th January, 2015, Kiserian Police Station asserted that investigations were done since the baby was abandoned, no one has ever gone to the station to claim her and efforts to trace her relatives has borne no fruit.

On the 27th October, 2015 the County Director of Children Department, Office of the Deputy President, Ministry of Gender and Youth Affairs, Nakuru was ordered to investigate the Applicants' fitness to adopt and file a report.

The County Director, Children's Services after conducting investigations by visiting and interrogating the Applicants filed a favourable report dated 15th December, 2015 in court on the Applicants' suitability to adopt Baby **SD a.k.a. SG a.k.a. PW**. A Certificate of declaring the a child free for adoption Serial No.1203 dated 21st January, 2015 was also filed.

Upon reading the 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 PW and that they are also financially stable and have the means to provide and care for her.

For the above reasons, it is hereby ordered that:

- i) The Applicants be authorised to adopt Baby **SD a.k.a. SG a.k.a. PW**.
- ii) B N of Post Office Box No.43, RONGAI in the Republic of Kenya be appointed Legal Guardian of the minor.
- iii) The Registrar General do make in the Adopted Children Register an entry recording the adoption in accordance with the particulars set out in the Schedule to this Order.
- iv) The Registrar of Births and Deaths do issue the child with a certificate of birth in the name of **P W**.

Orders accordingly.

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

A. K. NDUNGU

JUDGE