



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU
ADOPTION CAUSE NO. 43 OF 2015

IN THE MATTER OF BABY M B a.k.a M B K.....INFANT
AND
C K M
N W M.....APPLICANTS

RULING

The Application is brought by way of Originating Summons dated the 30th day of October, 2015. The Applicants CKM and NWM seek the following orders;

- (1) Spent
- (2) Spent
- (3) Spent
- (4) That the Applicants be authorised to adopt Baby MB alias MBKM
- (5) Spent
- (6) That A T L of Post Office Box 3246-20100, nakuru be appointed Legal Guardian of the minor.
- (7) That the Registrar-General do make the appropriate entries in the Adopted Children's Register an entry recording the adoption in accordance with the particulars set out in the schedule of this order.
- (8) That the Registrar of Births and Deaths be directed to issue the child with a certificate of birth in the names of M B K M.

The Applicants C K M and N W M (hereinafter the applicants) are husband and wife. They were married under Under the African Marriage & Divorce Act at the Nakuru Lakeview A.C. Church on 9th August, 2003. They are blessed with three (3) biological daughters hence the disire to have a male child. C K M

and N W M are lecturers.

The Baby MBKM was rescued from a pit latrine on 17th April, 2012 after allegedly being thrown there by his mother after delivery by good Samaritans who took him to Nakuru Provincial General Hospital.

The mother J A was charged and sentenced to three (3) months. After serving the sentence she disappeared but before she disappeared, she had offered her child baby MBKM informally for adoption via her letter dated 14th July, 2013 to Haven of Hope whom she requested to take care of the baby until his adoption.

The matter was reported to the Nakuru Police Station and was recorded in the Occurance Book vide No.61/18/4/2012. After discharge from hospital, Baby MBKM was referred to Haven of Hope Baby Centre for care and protection where he was admitted on 20th April, 2012.

On 28th December, 2012 Baby MBKM was presented before the Nakuru Children's Court vide Case No.1072/2012 and the court committed him officially to Haven Baby Centre for care and protection. The Nakuru Police Station confirmed through their letter dated 6th May, 2013 that no one went to claim the baby and their effort to trace the kindred of the child did not bear fruits.

On the 10th November, 2015 Andrew Temba Lusaka and the County Director of Children Department, Office of the Deputy President, Ministry of Gender and Youth Affairs was ordered to investigate the Applicants' fitness to adopt and file a report. The court also dispense with the consent of the biological parents to the minor.

The County Director, Children's Services after conducting investigations by visiting and interrogating the Applicants filed a favourable report dated 20th November, 2015 in court on the Applicants' suitability to adopt Baby MBKM. A Certificate of declaring the a child free for adoption Serial No.[particulars withheld] dated 21st January, 2015 was also filed.

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

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

- (a) The application for the adoption of Baby MBKM is hereby allowed.
- (b) The applicants are hereby allowed to adopt Baby MBKM.
- (c) He shall be known as M B K M.
- (d) The Registrar General is hereby directed to enter this Adoption Order in the Adoption Register.
- (e) The Registrar of Births and Deaths is hereby directed to issue a Certificate of Birth in the name of M B K M.
- (f) The Guardian *ad Litem* is hereby discharged and he is hereby appointed as Legal Guardian until Baby MBKM attains the age of eighteen (18) years in case of any eventualities that may befall the applicants.

Orders Accordingly.

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

A. K. NDUNG'U

JUDGE