



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU
ADOPTION CAUSE NO.8 OF 2015
IN THE MATTER OF BABY B C a.k.a.
A W.....INFANT
AND
A M W
R W M.....APPLICANTS

RULING

The Application is brought by way of Originating Summons and is dated the 12th day of March, 2015. The Applicants AMW and RWM seek the following orders:

Spent

That J M M, ID. No.[particulars withheld] and of Post Office Box No.[particulars withheld], NAKURU be appointed Legal Guardian of the minor herein.

Spent

That the consent of the biological parents of the minor herein be dispensed with since the child was found abandoned soon after birth and efforts to trace the parents have since proved futile.

That the applicants be authorized to adopt the minor herein and the child be henceforth called **A W**.

That the child be henceforth presumed a Kenyan citizen by birth having been found abandoned along Kibera estate in Nairobi, within the Republic of Kenya presumably new born.

That the Registrar-General do make the appropriate entries in the Adopted Children's Register in respect of the minor herein and do issue a Certificate of Adoption and Birth thereto.

That the court does issue such other orders as may be necessary in the best interest of the child.

THAT costs be in the cause.

The applicants are Quality Assurance Officer and Teacher respectively. They were marriage under the

African Christian Marriage and Divorce Act (CAP 151) at Catholic Church in 2004. They have never been blessed with a child of their own hence the desire to adopt baby **BC a.k.a AW**. They have been living with the minor since 22nd August, 2014.

The Baby **BC a.k.a AW** was found abandoned in Kibera near D.C.'s office on 28th October, 2013 by Good Samaritans and taken to Langat Sub-County Police Station at Kibera D.C.'s office where a report was made vide OB No.[particulars withheld]. He was later taken to Kenyatta National Hospital for medical care where he was admitted and later discharged on 11th November, 2013.

On 11th November, 2013 the Children's Officer, Milimani Law Courts sought placement of the minor at Limuru Children's Center and Baby Home and he was admitted. His medical information showed the minor's growth and all the immunizations given. On 11th June, 2014 the minor was officially committed to Limuru Children's Center Baby Home vide Limuru Children's Court Care and Protection case No.11 of 2014.

By a letter dated 14th May, 2014 the Lang'at Sub-County Police Station asserted that since the matter was report at their station, no one had gone to claim the minor and efforts to trace the relatives of the minor were futile.

On the 25th June, 2015 J M M, ID. No.[particulars withheld] and of Post Office Box [particulars withheld], NAKURU was appointed Guardian *Legal ad Litem* of the minor herein and the Director of Children's Services and the Adoption Society after conducting investigations by visiting and interrogating the Applicants filed favourable reports in court dated 18th May, 2015 and 18th August, 2015 respectively on the Applicants' suitability to adopt Baby **BC a.k.a AW**.

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 **BC a.k.a AW** and that they are also financially stable and have the means to provide and care for him.

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

1. That the consent of the biological parents of the minor herein be dispensed with since the child was found abandoned soon after birth and efforts to trace the parents have since proved futile.
2. That the applicants be authorized to adopt the minor herein and the child be henceforth called **A W**.
3. That the child be henceforth presumed a Kenyan citizen by birth having been found abandoned in Kibera estate in Nairobi, within the Republic of Kenya presumably new born.
4. That the Registrar-General do make the appropriate entries in the Adopted Children's Register in respect of the minor herein and do issue a Certificate of Adoption and Birth thereto.

Dated, Signed and Delivered at Nakuru this 23rd March, 2016

A. K. NDUNG'U

JUDGE