



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NAKURU**  
**ADOPTION CAUSE NO. 3 OF 2014**  
**IN THE MATTER OF D C a.k.a**

**K J W.....MINOR**

**AND**

**P W.....1ST APPLICANTS**

**J N.....2ND APPLICANTS**

**RULING**

The Application is brought by way of Originating Summons and is dated the 9<sup>th</sup> day of May, 2014. The Applicants **P W** and **J N** through their advocate seek the following orders:

1. Spent
2. **Spent**
3. **Spent**
4. Spent
5. Spent
6. That both applicants be declared suitable to jointly adopt the minor **D C** a.k.a. **K J W** as its prospective adoptive parents.
7. Spent
8. Spent
9. That the consent of the biological parents of minor **D C** a.k.a. **K J W** be dispensed with since the child was abandoned in [particulars withheld] Estate in Naivasha while months old in the year 2009 and who to date has been unclaimed and efforts to trace the parents proved futile.
10. That the applicants be authorised to adopt (Minor) **D C** a.k.a. **K J W** and the child be henceforth called **K J W**.

11. That the Registrar-General do make the appropriate entries in the adopted children's register in respect of (Minor) **K J W**.

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

13. That costs be in the cause.

The Applicants **P W** and **J N** (hereinafter the applicants) are husband and wife. They were married under the African Christian Marriage & Divorce Act at the [particulars withheld] Church in Nakuru on 18th November, 2012 as per the Certificate of Marriage No. [particulars withheld]. **P W** has never been married before and does not have biological children hence her desire to be parent and hence opted for adoption. She is a business-lady running a bookshop and chicken business. **JN** is also a businessman and runs a bookshop in Nakuru town known as [particulars withheld]. He is also a trainer in children's work with [particulars withheld], privately, A part time translator at [particulars withheld] Kenya and a farmer.

He had been married before and the previous marriage was blessed with four (4) children all adults. He separated with his first wife due to abuse. He is however in contact with his children and they know about baby **DC** a.k.a. **KJW** and they treat her as one of their own. **(living with applicant since 26th November, 2009)**

The applicants have been living with baby **DC** a.k.a **KJW** since 26th November, 2009 and the baby has bonded very well in the family.

The Baby **DC** a.k.a. **KJW** was presumably born on 21st March, 2009. She was abandoned by her mother immediately at birth. She was rescued by a Good Samaritan who stayed with her for nine days hoping to get the parents or any relative without success, on 21st May, 2009 took her to Naivasha District Hospital for care and protection.

The matter was reported at the Naivasha Police Station where it was entered vide Occurrence Book Number [particulars withheld]. She stayed at Naivasha District Hospital until 17th July, 2009 when she was referred to Africa Gospel Church Baby Centre in Nakuru for care and protection as an abandoned child.

On 19th August, 2009 she was officially committed to the said institution for care and protection vide Nakuru Children's Court P. & A. Case No. [particulars withheld] of 2009 where his growth was monitored and all immunizations given.

The Naivasha Police Station confirmed through their letter dated 23rd June, 2011 that no one went to claim the baby and their effort to trace the kindred of the child did not bear fruits. The Kenya Children's Homes Adoption Society's Case Committee on its sitting of 11th October, 2011 declared baby **DC** a.k.a. **KJW** free for adoption vide Certificate declaring a child free for adoption Serial No. [particulars withheld] issued pursuant to **Section 156(1)** of the **Children's Act 2001**.

On 9th May, 2014 **T W K** holder of ID. No. [particulars withheld], of P. O. Box [particulars withheld], **NAKURU** sworn an affidavit consenting appointment as *Guardian ad Litem* and that she understood his responsibility on the baby **DC** a.k.a. **KJW** in case of incapacitation on the part of the applicants. On 14th May, 2015 she was officially appointed *Guardian ad Litem*,

On 11th day, 2014 The Kenya Children's Homes Adoption Society was ordered to conduct investigations as to the suitability of the 2nd applicant to co-jointly adopt the minor **D.C.** a.k.a. **KJW** with the 1st applicant as the prospective father and filed a report to that effect before the Honourable court.

On the 14th May, 2015, the County Director of Children's Services in the Ministry of Gender, Children and Social Development was also ordered to investigate the Applicants' fitness to adopt baby **DC** a.k.a. **KJW** and filed a report.

The Kenya Children's Homes Adoption Society and The County Director, Children's Services after conducting investigations by visiting and interrogating the Applicants filed a favourable reports dated 30th September, 2014 and 30th June, 2015 respectively on the Applicants' suitability to adopt Baby **DC a.k.a KJW**.

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 **DC a.k.a KJW** and that they are also financially stable, have a good home and have the means to provide and care for her

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

1. That the consent of the biological parents of minor **D C** a.k.a. **K J W** be dispensed with since the child was abandoned in [particulars withheld] Estate in Naivasha while months old in the year 2009 and who to date has been unclaimed and efforts to trace the parents proved futile.
2. That the applicants be authorised to adopt (Minor) **D C** a.k.a. **K J W** and the child be henceforth called **K J W**.
3. That the Registrar-General do make the appropriate entires in the adopted children's register in respect of (Minor) **K J W**.

Orders Accordingly.

**Dated and Signed at Nakuru this 23rd day of March, 2016**

**A. K. NDUNG'U**

**JUDGE**