



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU
ADOPTION CAUSE NO. 11 OF 2015

IN THE MATTER OF MINOR **M M**.....MINOR

AND

M N P.....APPLICANT

RULING

The Application is brought by way of Originating Summons and is dated the 27th day of April, 2015. The Applicant **M N P** through her advocate seek the following orders:

1. Spent
2. Spent
3. The consent of the biological parents of the minor, **MM** be dispensed with since the child was abandoned at a tender age, to date has remained unclaimed and efforts to trace the parents proved futile.
4. That the Applicant be authorised to adopt the child he be henceforth called **MM**.
5. That **M W N. NO.[particulars withheld]** of Post Office Box No.[particulars withheld] , NAKURU in the Republic of Kenya be appointed *Legal Guardian* of the minor.
6. That the Registrar-General do make the appropriate entries in the adopted children's register in respect of and a subsequent Birth Certificate do issue by the Registrar of Births and Deaths.
7. That the court does issue such orders as may be necessary in the best interest of the child.
8. That the costs be in the cause.

The Applicant **M N P** is a widow having lost her husband, the late **C N** , whom she had married traditionally in 1992. Her late husband passed on 5th May, 2002. Before his death, he was a Police Officer. She resides in Ngata in a very conducive environment to bring up the minor.

The applicant has very little to say about her in-laws as they disowned her after his death due to inheritance. Their marriage with her late husband was blessed with five (5) daughter. Two are married with children and are doing business, one is deceased, one is single and also doing business and the last

born was a form four student at Christ the King as at the time of filing this report hence the desire to have a male child

The four (4) daughters are all aware of the adoption of baby **MM** and have consented for their mother to forge ahead and have the minor to be part of the family.

Baby **MM** has been living with the applicant since 13th October, 2014 and has bonded well with the family.

He was presumed born on 15th April, 2010. He was found abandoned on 25th January, 2012 at Ronda Slums and was rescued by a good Samaritan who took him to Springs of Hope in Nakuru for care and protection on the same day. The institution stayed with the child and reported the matter at Nakuru Police Station after nine (9) months. The matter was recorded vide Occurrence Book No.[particulars withheld].

Baby **MM** was officially admitted to Spring of Hope for care and protection on 25th October, 2012 and committed to the same institution at the Children's Court of Nakuru on 17th May, 2013 vide protection and care case No.[particulars withheld] /2014 for a period of three (3) years.

The Nakuru Police Station through a letter dated 30th June, 2014 asserted that based on their investigations, no one has come forward to claim the minor and attempt to trace his kindred have been futile.

On the 22nd July, 2015 Director of Children's Services in the Ministry of Gender, Children and Social Development was directed by the court to investigate the Applicant's suitability to adopt baby **MM** and file a report. On the same date, the court also appointed **M W N**, Id. No.[particulars withheld] of P.O. Box [particulars withheld] , NAKURU as *Guardian ad Litem* of baby **MM**.

The County Coordinator, Children's Services, Nakuru, after conducting investigations by visiting and interrogating the Applicant, filed a favourable report dated 9th October, 2015 in court on the Applicant's suitability to adopt Baby **MM**.

The Kenya Children Homes Adoption Society's case committee sitting of 11th February, 2015 recommended the applicant's application to adopt baby **MM**. They also issued a Certificate of declaring a child free for adoption Serial No.1132 dated 13th August, 2014 in compliance to **Section 156(1)** of the **Children's Act 2001**.

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 applicant and that of the child at the hearing hereof, this court is satisfied that the applicant is suitable to adopt Baby **MM** and that she has a good home, is financially stable and has the means to provide and care for him.

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

9. The consent of the biological parents of the minor, **MM** be dispensed with since the child was abandoned at a tender age, to date has remained unclaimed and efforts to trace the parents proved futile.

10. That the Applicant be authorised to adopt the child he be henceforth called **MM**.

11. That **MWN. NO.[particulars withheld]** of Post Office Box No.[particulars withheld], NAKURU in the Republic of Kenya be appointed Legal Guardian of the minor.

12. That the Registrar-General do make the appropriate entries in the adopted children's register in respect of and a subsequent Birth Certificate do issue by the Registrar of Births and Deaths.

Dated and Signed at Nakuru this 17th day of March, 2016

A. K. NDUNG'U

JUDGE