



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU
ADOPTION CAUSE NO. 27 OF 2015

IN THE MATTER OF MINOR V P a.k.a. P N.....MINOR

AND

G N

M W K.....APPLICANTS

RULING

The Application is brought by way of Originating Summons and is dated the 2nd day of June, 2015. The Applicants **G N and M W K** through their advocate seek the following orders:

1. Spent
2. Spent
3. The consent of the biological parents of the minor, **VP a.k.a. PN** be dispensed with since the child was abandoned at Moi Gardens, Kericho on 11th November, 2013 and efforts to trace the parents have since proved futile.
4. That the Applicant be authorised to adopt the child he be henceforth called **P N G**
5. That the child be presumed a Kenyan citizen by birth having been found abandoned at Kericho within the Republic of Kenya at presumably the age of a new born.
6. That the Registrar-General do make the appropriate entries in the adopted children's register in respect of minor herein and do issue a Certificate of Adoption and Birth thereto.
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 Applicants **G N** and **M W** are husband and wife. Both of them do business at Jogoo Centres near Miti Mingi. They were married under the Kikuyu Customary Law in 1998. They have never been blessed with a child of their own since their marriage hence the desire to adopt **V P a.k.a. P N**.

Baby V P a.k.a P N has been living with the Applicants since 24th December, 2014 and has bonded very well.

The Baby **V P a.k.a. P N** was found abandoned at Moi Gardens in Kericho town by a security guard on 11th November, 2013. The matter was reported at Kericho Police Station vide OB No.4/11/11/2013 and on 13th November, 2013 the baby was taken to Kericho District Hospital where he was admitted.

On 26th November, 2013 the Hospital Superintendent reported the matter to the Kericho District Children's Office and requested the child's placement in a suitable children's home since nobody went to claim him. The minor was thereafter, on 5th October, 2006 referred to African Gospel Church Baby Center, Nakuru for care and protection.

On 9th December, 2013 baby **V P a.k.a P N** vide Kericho Children's Court P & C Case No142 of 2013, the minor was officially committed to Africa Gospel Church Baby Centre-Nakuru. On 10th December, 2013 he was admitted at the same institution. On 3rd July, 2014 vide a letter dated the same date, the Kericho Police Station confirmed that the police efforts to trace the relatives had yielded no fruits and that no one had claimed the child since he was reported abandoned.

On the 7th October, 2015 County Director, Children's Services, Office of the Deputy President, Ministry of Gender, Children and Social Development was directed by the court to investigate the Applicants' fitness to adopt and file a report. On the same date, the court also appointed Peter Kamau Kariuki of P. O. Box 14546-20100, NAKURU as *Guardian ad Litem* of baby **V P a.k.a. P N**.

The Sub-County Children's Officer, Gilgil after conducting investigations by visiting and interrogating the Applicants filed a favourable report dated 16th November, 2015 in court on the Applicants' suitability to adopt Baby **V P a.k.a. P N**. A Certificate of declaring a child free for adoption Serial [Particulars Withheld] dated 25th July, 2014 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 **V P a.k.a. P N** and that they have a good home, are financially stable and have the means to provide and care for him.

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

1. The consent of the biological parents of the minor, **V P a.k.a. P N** be dispensed with since the child was abandoned at Moi Gardens, Kericho on 11th November, 2013 and efforts to trace the parents have since proved futile.
2. That the Applicant be authorised to adopt the child he be henceforth called **P N G**
3. That the child be presumed a Kenyan citizen by birth having been found abandoned at Kericho within the Republic of Kenya at presumably the age of a new born.
4. That the Registrar-General do make the appropriate entries in the adopted children's register in respect of minor herein and do issue a Certificate of Adoption and Birth thereto.

Orders Accordingly.

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

A. K. NDUNG'U

JUDGE