



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU
ADOPTION CAUSE NO. 35 OF 2015
IN THE MATTER OF MINOR DB
a.k.a DK.....MINOR
AND
ENM
RC.....APPLICANTS

RULING

The Application is brought by way of Originating Summons and is dated the 22nd day of July, 2015. The Applicants **ENM** and **RC** through their advocate seek the following orders:

1. Spent
2. Spent
3. The consent of the biological parents of the minor, herein be dispensed with since the child was found abandoned near Rongai Railway Station, Nakuru on 16th day of October, 2013 at barely two weeks old and efforts to trace the parents have since proved futile.
4. That the child be henceforth presumed a Kenyan Citizen by birth having been found abandoned at presumably the age of two weeks within Nakuru County, in the Republic of Kenya and efforts to trace the parents since proved futile.
5. That the Applicants be authorised to adopt the minor herein and the child be henceforth called **DK**.
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 **ENM** and **RC** are husband and wife. **ENM** operates a “*malimali*” household merchandise business which he own at Mulot while **RC** is a counselor with [particulars withheld] Community Health

and Development Project.

They were married under The African Christian Marriage and Divorce Act (Cap.151) on 28th August, 2009 at Registrar General's Office - District Commissioner's Office at Bomett. **R** reports to have had a miscarriage in 2007 and since then they have never been blessed with a child of their own hence the desire to adopt **DB** a.k.a **DK**.

The Baby **DB** a.k.a **DK** was found abandoned near Rongai Railway Station by a good Samaritan who notified police officers from Rongai Police Station and reported that he had seen an abandoned baby. The officers visited the scene and rescued the baby and took him to Provisional General Hospital for medical attention.

The matter was booked at Rongai Police Station vide Occurrence Book No.[particulars withheld].

On 18th October, 2013, through the District Children's Officer, Nakuru, the baby was admitted to the Africa Gospel Church Baby Centre-Nakuru. On 22nd November, 2014, the baby was officially committed to the same institution (AGCBC) vide Nakuru Children's Court Care and Protection Case No.529 of 2013 as a child in need of care and protection where all the immunizations were given and his health properly monitored.

On 20th November, 2013 vide a letter dated the same date, the Rongai 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. The Africa Gospel Church Baby Centre also reported that during the minor's stay in the institution, no parent or relatives turned up to lay claim on the child neither did they receive any information from the concerned police department regarding any claimants.

Baby **DB** a.k.a **DK** was placed with the applicants on 22nd December, 2014 and on 24th January, 2015 the applicants attended a one day Pre-Adoption Training and were issued with a certificate. Since then Baby **DB** a.k.a **DK** has been living with the Applicants and has bonded very well.

On the 12th November, 2015 Director of 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 P K T- ID. NO.[particulars withheld] of P. O. Box [particulars withheld], LONGISA, BOMETT as **Guardian ad Litem** and **Legal Guardian** of baby **DB** a.k.a **DK** then and after the hearing of the adoption proceedings respectively.

The Sub-County Children's Officer, Narok after conducting investigations by visiting and interrogating the Applicants filed a favourable report received on 30th March, 2016 in court on the their suitability to adopt Baby **DB** a.k.a **DK**. A Certificate of declaring a child free for adoption Serial No.[Particulars Withheld] dated 25th July, 2014 was filed by Buckner Kenya Adoption Services.

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 **DB** a.k.a **DK** 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 follows:

The consent of the biological parents of the minor, herein be dispensed with since the child was found abandoned near Rongai Railway Station, Nakuru on 16th day of October, 2013 at barely two weeks old and efforts to trace the parents have since proved futile.

That the child be henceforth presumed a Kenyan Citizen by birth having been found abandoned at presumably the age of two weeks within Nakuru County, in the Republic of Kenya and efforts to trace the parents since proved futile.

That the Applicant be authorised to adopt the minor herein and the child be henceforth called **Dk.**

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, Signed and Delivered at Nakuru this 26th day of July, 2016

A. K. NDUNG'U

JUDGE